

Introduction: Faculty Diversity In Dixie

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Edward Bouchet became the first African American to receive a Ph.D. from an American university when Yale awarded him a doctorate in physics in 1867. Dr. Bouchet taught at a variety of public and private high schools, but never on a college level.¹ Harry W. Greene reported in the 1932 issue of *School and Society* that African American Ph.D.s in the United States increased by 21 since 1927. Among the 60 African Americans with Ph.D.s, eight were women. The University of Chicago awarded 13 of those 60 Ph.D.s, the most of any American school.² Between 1944 and 1948, approximately 105 African Americans taught at nonsegregated, predominately white colleges in this country,³ a stellar achievement considering that 63 of these appointments were full-time and occurred six years before the landmark *Brown v. Board of Education*, the 1954 U.S. Supreme Court decision declaring that separate-but-equal public schools violated the Equal Protection Clause of the U.S. Constitution. Prior to *Brown*, African American college teachers located in the bifurcated Jim Crow South taught at historically black colleges and universities (HBCUs). A number of Southern black colleges had integrated faculties, although most white teachers on campuses were consigned to live in faculty housing because of racial ostracizing.⁴ The vast majority of HBCUs paled next to their white counterparts—when comparing budgets, facilities, curricula, and graduate and professional programs. Howard University was the only full-fledged research HBCU at its inception.⁵

This 2007-08 issue of *American Academic* examines the conundrum of faculty diversity in the wake of *Brown v. Board of Education*. Our authors examine why faculty diversity should—or should not—be pursued as a priority. They explore faculty diversity from the standpoint of good education, and as an element in economic and social justice. They explore the subject from a variety of vantage

points, including race and ethnicity, gender and disability. They analyze the impact on diversity of organizational frameworks, institutional leadership, college hiring practices, faculty retention initiatives, and peer mentoring, to name a few. Many of the articles tell tales of personal trials and travails. All in all, the articles offer a sampling of the research, activism and debate under way today surrounding faculty diversity in the academy.

A survey taken by the Ford Foundation Campus Diversity Initiative a decade ago found three-quarters of Americans polled thought “colleges should take explicit steps to ensure diversity among faculty,” although some respondents felt diversity by way of affirmative action “benefited some people at the expense of others.”⁶ The recent decisions in *Grutter v. Bollinger* and *Gratz v. Bollinger* mirrored this public anxiety and had many affirmative action proponents holding their collective breath. For its own part, the American Federation of Teachers filed “friend of the court” briefs underscoring its support of the University of Michigan’s affirmative action program, which considered an applicant’s race among several other variables taken into consideration when trying to achieve a more diverse student body. In addition, the AFT passed a resolution supporting “Diversity Recruitment and Faculty Development in Public Higher Education in the Reauthorization of the Higher Education Act (2003–2004).”

Fifty-three years ago, *Brown* repudiated long-held segregation policies and practices sanctioned by the U.S. Supreme Court’s 1896 *Plessy v. Ferguson* decision. In the aftermath of *Brown* and the civil rights revolution, between 1954 and 1978, American universities and colleges struggled with what Chief Justice Henry Brown wrote in *Plessy*—how to foster “social and political equality upon terms acceptable” to black and whites across this land.⁷ True integration cannot happen if it is the burden of African Americans alone. One could make a similar argument about faculty diversity.

In an article about his education in New York City public schools, James Baldwin wrote of Harlem what one might assume true in general about inner-city public schools today: “The whites who left moved directly into the American mainstream ... without the smallest regret and without a backward look. The blacks moved into limbo.”⁸ Neo-segregation has occurred in many American cities since *Brown*, demarcated this time by class, not color. Despite the altru-

ism of court-ordered busing and the hopeful axiom of “green follows white,” many urban schools remain troubled. It’s a small wonder that efforts to reach racial balance in public schools—whether in secondary schools or in schools of higher education—have been fraught with ambivalence à la Seattle, Wash., and Louisville, Ky., where the U.S. Supreme Court invalidated the use of race when assigning students to schools to facilitate integration. As Chief Justice John Roberts wrote, “To achieve a system determining admission to public schools on a nonracial basis is to stop assigning students on a racial basis.”⁹ Years earlier, Roberts’ counterpart opined in *Plessy* that if blacks and whites were to coexist as social equals, they would have to do so as a result of “natural affinities” (163 U.S. 537, at 552). Such notions beg the question: Is it possible to engender “natural affinities” in quasi-segregated public schools?

In another recent development, Michigan voters approved a referendum outlawing affirmative action. Former U.S. Civil Rights Commissioner and historian Mary Frances Berry noted in 2007 that whites’ fear is manifest, despite the paucity of black students and faculty at many selective white colleges and universities. According to Berry, “One white woman couldn’t get in [to University of Michigan] and we had to change the state constitution to help her.”¹⁰ The question of inclusion on the part of minority faculty members in what remains a white male-dominant academe is part of a larger struggle for equal opportunities and equal protection.

In *The Diversity Factor*, co-editors Wendy Conklin and Nicole Robbins-McNeish found: “Out of 282,429 tenured professors teaching in American institutions in 2003 ... 4.5 percent are Black.” In 2005, 8,974 or 25 percent of full-time black professors taught at 98 historically black colleges and universities. ... While the majority of African Americans no longer live in the South, as they did prior to the end of World War II, today the greatest concentration of full-time African American faculty members teach in the South—namely, the District of Columbia (20.9 percent), Louisiana (13.3 percent), Alabama, (13.1 percent), Mississippi (13.1 percent), and Georgia (12.3 percent).¹¹

Some characterize the dearth of black college professors on white college campuses as a “pipeline” problem. Others assume it is the natural disaggregate of affirmative action in decline qua *The Bell Curve*. “To be black,” reasoned James Baldwin, “was to confront, to be forced to alter, a condition forged in history. To

be white was to be forced to digest a delusion called white supremacy.”¹² The very suggestion that all the *good blacks* are wiling away their time at Harvard, Stanford, and Yale, defies the stark reality for most black Ph.D.s, who are identical to their white counterparts in all respects except one. In his book on Justice Thurgood Marshall, Carl Rowan observed, “For Marshall, the school desegregation, college and professional education ... cases were but a means to an end: the promotion of affirmative action steps to have black scholars, scientists, teachers ... considered a normal part of American life.”¹³

In his seminal *Crusaders in the Courts*, the former lawyer for the NAACP Legal Defense and Education Fund (LDF), Jack Greenberg, reminds us that the road to *Brown* began with higher education desegregation cases litigated by LDF and NAACP attorneys. Before *Sweatt v. Painter* and *McLaurin v. Oklahoma* in 1950, Thurgood Marshall and Charles Houston won *Pearson v. Murray* (1936) in the Maryland courts, compelling the state to admit Donald Murray, black, to the white University of Maryland Law School, the very school that years earlier had denied admission to Marshall.¹⁴ Marshall’s alma mater, Howard University, counted 40 black Ph.D.s among its 271 faculty in 1932, prompting the school to boast of having “the largest aggregation of Negro scholars found in any one educational institution in the civilized world.”¹⁵ Five of the 11 professors at Howard Law School during Marshall’s days there as a student were white.¹⁶

Marshall and his Howard law school professor Charles Houston won another pivotal case in 1938, this time before the U.S. Supreme Court. *Missouri ex rel. Gaines v. Canada* enjoined the state to admit Lloyd Gaines to the white state law school, since there was no state black [separate-but-equal] law school.¹⁷ These higher education desegregation cases represented important spade work, figuratively turning over new earth for the battle royal to come. In its *amicus curiae* brief in support of *Brown*, the AFT and counsel, John Ligtenberg, noted, “After *Sweatt-McLaurin* ... Negro students were accepted in Southern [read white] colleges and universities without difficulty.”¹⁸ The current outlook for minority faculty and students in the South is less cheerful.

The University of Alabama became the first Deep South school to test *Brown* when a federal court in *Adams v. Lucy* (1955) ordered the university and state to admit an African American named Autherine Lucy.¹⁹ Thurgood Marshall and LDF attorney Constance Baker Motley successfully argued this case in

Birmingham federal court, although the university subsequently expelled Lucy for “her own safety.”²⁰ Fifty years later, the state settled a class-action desegregation lawsuit initiated in 1981 by alumni and faculty of Alabama State University (ASU) and Alabama A&M University (A&M), the state’s two public historically black flagship schools. The plaintiffs alleged the state maintained a dual and unequal higher education system violating Title VI of the 1964 Civil Rights Act. The federal courts concurred.

Styled *Knight & Sims v. Alabama*, this case followed the earlier desegregation higher education cases of *Geier* in Tennessee and *Fordice* in Mississippi. Prior to *Knight*, ASU, where I teach, did not have a single doctoral program, despite the fact that the school began in 1867. As a result of the *Knight* federal court decree, Alabama State University now has doctoral programs in physical therapy, education, and biology. The court also found that the majority of faculty at ASU and A&M were African American, whereas the majority of the faculty and students at Alabama’s public, traditionally white institutions (TWI) were white, even 26 years after *Brown*. In 1990, the public flagship Auburn University had 11 African American faculty members out of 1,000, and in that same year, its flagship counterpart, the University of Alabama, had 25 African American faculty members out of 800 at its main campus in Tuscaloosa.²¹ By comparison, ASU had 65 white faculty members (30 percent) out of 213 between 1990 and 1991.²²

White faculty members have not always been a presence at Alabama State University. In fact, the university did not hire any white faculty members prior to 1967, when another lawsuit, *Lee v. Macon County Board of Education*, outlawed segregated faculties required by the Alabama State Board of Education.

In 1978, Dr. Charles Craig, a white professor of English, sued the university in a case called *Craig v. Alabama State University*. Several other white faculty members joined Craig in alleging that Alabama State University unfairly evaluated its white faculty while giving preferential treatment to its black faculty. The plaintiffs argued that the university had a pattern and practice of racial discrimination against white faculty members. The federal district court agreed. Thirteen percent of the Alabama State University faculty members in 1969 were white, yet no white faculty member there had received tenure. The court enjoined the university from further discrimination against its white faculty, and ordered ASU to provide documentation every six months “until further ordered, ... setting

forth by category (administrative, teaching, clerical and support) and race, the staff employed, applications received, new hirees and tenure and promotions granted.”

In 2006, 26 percent of African American students attended Alabama white, public four-year universities, the same percentage as blacks in the state’s population. However, African American faculty members at these same schools fluctuated between 4 percent and 8 percent. White faculty members at the 12 public TWIs—namely, Athens State University, Auburn University, Auburn University-Montgomery, Jacksonville State University, Troy University, University of Alabama, University of Alabama-Birmingham, University of Alabama-Huntsville, University of Montevallo, University of North Alabama, University of South Alabama, and University of West Alabama—hovered around 80 percent.²³ Racial diversity among faculty members at ASU and A&M remains greater than racial diversity at any white Alabama public state university.²⁴

In its final settlement of *Knight*, the federal court required all public, white, four-year Alabama universities to create strategic faculty diversity plans, but placed the onus to monitor these programs on the Alabama Legislature, not the federal courts. In these plans, “diversity” is defined in terms of race, ethnicity, sex, physical ability, and national origin. Most contain common language emphasizing the importance of student and faculty diversity to the overall mission of the university. Report cards will assess deans’ and administrators’ progress in achieving diversity. However noble, it took a federal lawsuit to compel many of these institutions to adopt strategic diversity plans, despite the obvious exigency. *Knight* attorney James Blacksher reasoned circularly, “The lack of Black faculty means fewer mentors for Black Ph.D.s. Fewer mentors ... mean fewer Black Ph.D.s, and fewer Black Ph.D.s ... mean fewer Black faculty.”²⁵

For many within America’s political and educational leadership, there is no moral imperative to envisage genuine faculty diversity. The halls of American academe, like the halls of the U.S. Congress and the halls of corporate America, are rife with privilege. Despite charges of left-leaning departments and campuses, courts and legislatures are unable to make university administrators and university governing bodies do what they ought to do on their own. The idea that faculty diversity somehow will occur naturally, if not organically, despite the history of discrimination of all sorts in this country, is, I contend, complete folly.

Frederick Douglass put it best: “Power concedes nothing without a demand.” In an interview, federal judge and former NAACP lawyer Robert Carter lamented about the “intransigence of racism” in efforts to desegregate public schools, and pointed out that he, Marshall, Charles Houston, and others saw the pre-*Brown* “dual school system as a barrier to equal educational opportunities for African Americans.”²⁶ Jim Crow is dead, but his ghost lives among us. Diversity by way of affirmative action is no more a matter of “white goodwill and black power,” as Shelby Steele asserts that *Brown* was.²⁷ To argue that race, however artificial as a category, is immaterial in American society or irrelevant on American college and university campuses, is to ignore the systemic applications of racial “instincts” that still pervade our society. A case in point is Nobel Laureate biologist Dr. James Watson’s recent faux pas alleging inherent inferiorities of Africans and African Americans.²⁸

The U.S. Constitution was never colorblind, nor is the American public. The three-fifths clause and the fugitive clause clearly reveal that the Framers countenanced race even though the 1787 Constitution made no mention of the words “Negro,” “slave,” or “chattel.” Diversity is no panacea to *de jure* segregation, but it is a fulfillment of the American Dream. Faculty diversity is not to prove that one is “as good as” or “equal to.” As Dr. Martin Luther King Jr. proclaimed in my city of Montgomery, Ala., “No lie can live forever.”

The *Knight* remedial decree created minority scholarships at ASU and A&M to increase minority student enrollments on both campuses. The “white students only” minority scholarships provided full tuition, room and board, books, and fees as an inducement to minority students and minority parents to overcome their bias against both historically black ASU and A&M. In 1896, Justice Henry Brown wrote in *Plessy*, “We consider ... fallacy ... the argument that the enforced separation of the two races stamps the colored race with a badge of inferiority.”²⁹ In 1998—a century later—officials at my school unwittingly contravened Brown’s presupposition, writing in a university publication, “Other-race scholarships were awarded to ASU and A&M to help them **diversify** their student bodies and to **eliminate the perception of inferiority**” (emphasis added).³⁰ Whose “perception” the university worried about is not entirely clear, but the implications certainly were; white students are necessary to remove the stigma (badge) of inferiority from Alabama State University. The minority scholarships ended in 2006 at Alabama State University. According to the *2001-2005 Fact Book*, Ala-

bama State University's minority student enrollment was 4.88 percent. Before his death in 2005, psychologist Dr. Kenneth Clark, an expert witness for the plaintiffs in *Brown* and progenitor of the "doll studies," recalled, "These [African American] children saw themselves as inferior and they accepted [their] inferiority as part of reality."³¹ Such is the Alabama legacy of "interposition and nullification," of "standing in the schoolhouse door," and of "segregation today, tomorrow, forever." Judge Robert Carter is absolutely correct: "It is no longer possible to wait for integration."³² When it comes to faculty diversity, benign neglect is never benign; it is merely neglect.

ENDNOTES

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³ Florence Murray, *The Negro Handbook 1949* (New York: The Macmillan Company, 1949), 137.

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⁵ Garrett, *Famous First Facts*, 51.

⁶ Karin Chenoweth, "Poll Confirms that Americans Want Diversity on Campus," *Black Issues in Higher Education* 15 (1998): 12-15.

⁷ Barton J. Bernstein, "Plessy v. Ferguson: Conservative Sociological Jurisprudence," *Comparative Sociological Jurisprudence* 3 (1963): 196-205.

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¹⁶ Juan Williams, *Thurgood Marshall: American Revolutionary* (New York: Random House, 1998), 54.

¹⁷ Greenberg, *Crusaders in the Courts*, 57-78.

¹⁸ Additional Brief of the American Federation of Teachers as Amicus Curiae, *Brown v. Bd. of Education of Topeka, Kan.*, 1953 WL 78285.

¹⁹ Constance Baker Motley, *Equal Justice Under Law* (New York: Farrar, Straus and Giroux, 1998), 122-125.

²⁰ E. Culpepper Clark, *Schoolhouse Door: Segregation's Last Stand at the University of Alabama* (New York: Oxford University Press, 1993), 18-57.

²¹ Aldon Morris, Walter Allen, David Maurrasse, Derrick Gilbert, "White Supremacy and Higher Education: The Alabama Desegregation Case," *National Black Law Journal* XIV: 59-91.

²² Brenda L. Bryant, *Alabama State University 1986-1990 Fact Book* (Montgomery, Ala.: ASU Institutional Research, 1991), 75.

²³ Alabama Commission on Higher Education, "Fall 2006 Enrollment by Race/Ethnicity: Alabama Public 4-Year Institutions," in *Alabama Statewide Student Database*.

²⁴ In 2006, African Americans represented 5.9 percent of the University of Alabama's 975 full-time faculty members. African American women represented 3.8 percent of that total, and African American men made up 2.1 percent. Whites comprised 86 percent of UA's full-time teaching faculty in 2006. Based on 2007 numbers, African Americans constituted 4 percent of Auburn University's 1,135 full-time "traditional" faculty, with whites making up 83 percent of the faculty. Using 2006 numbers, whites made up 28 percent of ASU's full-time faculty, with African Americans accounting for 61 percent of the 237 full-time faculty members. In 2005, whites made up 24 percent of the 321 full-time teaching faculty members at Alabama A&M University, while blacks represented 52 percent of A&M's full-time teaching faculty.

²⁵ Jamilah Evelyn, "Alabama's Decree of Difficulty," *Black Issues in Higher Education* 15 (1998): 24 et seq.

²⁶ Robert L. Carter, "Public School Desegregation: A Contemporary Analysis," *St. Louis University Law Journal* 37 (Summer 1993): 885-897.

²⁷ Shelby Steele, *Content of Our Character: Race in America* (New York: St. Martin's Press, 1990), 113.

²⁸ Cahal Milmo, "Celebrated Scientist Attacked for Race Comments," *The Independent* (London), October 17, 2007.

²⁹ *Plessy v. Ferguson*, 163 U.S. 537, 552 (1896).

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³² Carter, "Public School Desegregation."

The Role of Historically Black Colleges and Universities in Faculty Diversity

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American colleges and universities must prepare students to thrive in our increasingly diverse, globally connected, and technologically driven world. Faculty must inspire students for civic responsibility; and stimulate them to identify and dedicate their lives to the highest good and ideals they know without compromising their anchor principles or allowing their spirit, hopes, ambition, or dreams to be destroyed under the impact of trials and crisis. American colleges and universities must equip students to understand their relationship and responsibility to humanity. They must offer a quality academic experience in a challenging and stimulating environment that encourages students both to test their personal beliefs against those of others in a robust exchange of ideas and to challenge universal truths and “objectivity” against their understandings and realities.

To afford students the maximum benefit of this engagement, they must be educated in diverse environments. Despite the widely held view that “diversity, or the lack thereof, affects rigor and integrity of disciplinary scholarship,” neither classroom teachers nor the professoriate are broadly representative of the students they teach, nor is there a national pipeline plan to diversify teachers and faculty in America.¹ This article argues that historically black colleges and universities (HBCUs) and predominantly black institutions (PBIs) have had great success in educating students of color, shoring up the diversity pipeline from secondary school through the professoriate. Because they enroll significant numbers of low-income and minority students compared with their traditionally white counterparts, and because of their comparative success rates at graduating African-American and other traditionally underserved students, HBCUs contribute disproportionately to our nation’s student and faculty diversity and therefore should be used as models for preparing diverse teachers and faculty.

For example, 24 percent of all Ph.D.s earned each year by African Americans are conferred by 24 HBCUs. Eighteen of the top 23 producers of African Americans who go on to receive science-related Ph.D.s are HBCUs. Four of the top 10 producers of successful African-American medical school applicants are HBCUs. These HBCUs produce 20 percent more African-American applicants than the other six institutions combined; and eight of the top 10 producers of African-American engineers are HBCUs.

HBCUs have among the most diverse faculty of all American colleges and universities.² As a result of their ability to produce diverse graduates and to maintain diverse faculties, HBCUs and PBIs deserve more strategic and greater public and private investments.

The Need for Faculty Diversity

In the best learning communities, a diversity of students, faculty, and ideas constitutes as much of the identity of the institution as academic research and social service. As the late Clinton Bristow, former president of Alcorn State University, an HBCU in Mississippi, and former president of the Council of 1890s Land-Grant Institutions, noted at the launch of a 2003 national leadership institute on maintaining margins, missions and multiculturalism at HBCUs: “Institutional climate and responsiveness to diversity closely correlate with academic excellence and equity.”³ Through institutional diversity, students can benefit from the intellectual, cultural, civic, religious, and personal experiences of a range of students, reflecting the richness of this heterogeneous, pluralistic society. They can learn the tolerance, coexistence and ecumenical spirit of shared values and common destinies that make America strong and are imperative to moving this nation and the world closer to realizing their full potential.⁴

Although quantifying the connection between diversity and student achievement is difficult, a few researchers have undertaken the task. In the 2001 report, “Racial and Ethnic Diversity in the Classroom: Does It Promote Student Learning” in the *Journal of Higher Education*, for example, Terenzini et al. make the case for what they call “medium diversity,” i.e., a postsecondary classroom majority of between 62 percent and 67 percent. According to the authors, medium diversity was “positively related to reported group skill learning gains.”⁵ In their findings, this level of diversity produced the only significant gains in student learning outcomes.⁶ In other words, a more balanced

classroom environment where students do not feel marginalized contributes positively to student excellence.

Because of the correlation between faculty diversity and student outcomes, the U.S. professoriate also should reflect the nation's diversity, but it does not. According to the *Chronicle of Higher Education* and the U.S. Census Bureau, approximately 5 percent of faculty are black, 3 percent are Hispanic, and 0.04 percent are Native American, even though they represent, respectively, 12 percent, 14 percent, and 0.8 percent of the total U.S. population.⁷ The absence of diverse faculty means that students are not truly exposed to a healthy range of ideas, opinions, or teaching and learning methods. Relative to this latter point, it has been found that minority and female faculty are more likely than white males, "to use interactive pedagogical strategies that foster greater learning and relationship building for all students than do more traditional teaching practices."⁸ Not only are the teaching styles of faculty of color and female faculty valuable to all students, these faculty also serve as valuable role models and mentors for students of color who find few in the professoriate. Equally as important, a diverse faculty helps to dismantle stereotypes held by white students, who may only know persons of color from a distance and through media headlines.

HBCUs: A History of Diversity

Although established in America in the mid-1800s by and large as teacher preparation institutions for the progeny of the American slave system, HBCUs, from their inception and without exception, have been open to students, faculty, and administrators of all races, colors, creeds, religions, and both genders (except in student bodies of institutions whose expressed mission is to provide single-sex education). Through the years, HBCUs have offered academic and employment opportunities and attendant benefits and privileges to all without regard to non-*bona fide* criteria or considerations, except where state law prohibited the same.

HBCUs are largely responsible for providing higher education opportunities to African Americans. Although they represent only 4 percent of all U.S. colleges and universities, they enroll approximately 16 percent of all African Americans in four-year degree-granting institutions, and they graduate nearly 30 percent of African Americans earning bachelor's degrees.⁹ HBCUs graduate more than 40 percent of African-American students who receive undergraduate degrees in the sciences and math, 50 percent of those receiving engineering degrees, and 50

percent of teacher education bachelor's degrees awarded to African-American students.¹⁰

HBCUs are sending disproportionate numbers of African-American students to graduate and professional schools.¹¹ Because of their strong academic curricula and their nurturing social environments, HBCUs cultivate future faculty by providing them with solid research skills and more important, the confidence to pursue the long and rigorous path to the professoriate. A 2006 study of earned doctorates conducted by the National Science Foundation described HBCUs' tremendous contribution to academia. According to the report, *U.S. Doctorates in the 20th Century*, blacks earned 25,872 doctorates between 1975 and 2000, and "more than 42 percent of those who had a baccalaureate received that degree from an HBCU."¹² And 33 of the top 50 institutions that sent black undergraduate students to Ph.D. programs were HBCUs.¹³ In addition, HBCUs are training a significant proportion of black students from other countries, who add diversity to the student body as well as to the professoriate. In the past 25 years, 21 percent of all foreign-born blacks received Ph.D.s from HBCUs.¹⁴

There are other ways in which HBCUs are diversifying the academy. For example, in the book *Three Magic Letters: Getting to Ph.D.*, Michael T. Nettles and Catherine M. Millett found that among science and math students who completed their doctorates, graduate students at HBCUs "took an average of almost one year less to graduate. On average, social sciences graduate students at HBCUs finished more than two years sooner than their non-HBCU peers."¹⁵ The sooner students graduate, the sooner they can accept postdoctoral teaching and research positions in the academy. By reducing the time students spend in graduate school, HBCUs keep the diversity pipeline flowing.

Securing the Diversity Pipeline: Federal Funding and HBCUs

The federal government has not invested in the schools that yield the highest number of minority graduates, especially in high-need areas such as STEM (science, technology, engineering, mathematics) fields. Even though HBCUs are more efficient at producing diverse faculty, many outperform their competitors in research facilities that are not comparable to those on the campuses of their competitors, due to inequitable levels of financial support. Current levels of federal funding for HBCUs, specifically in the sciences, do not help them support their mission of producing top-notch teachers and faculty. According to the

National Science Foundation, HBCUs receive 1.29 percent of federal research and development dollars even though they do much more than their fair share of educating low-income and minority students.¹⁶

At a time when nearly 60 percent of black males are not graduating from high school with their high school cohort, the importance of increasing the number of black teachers, particularly males, as role models is critically important for diversifying the professoriate in the long term.¹⁷ HBCUs are also among the top producers of African Americans who become K-12 teachers. In a 2000 Lumina Foundation study, 12 percent of black HBCU graduates majored in education compared with 7 percent at other schools.¹⁸ The study also found that black male graduates from HBCUs were more likely to major in education than were black men at other institutions.¹⁹

Neither private investments nor HBCU endowments make up for the lack of a fair share of public dollars to HBCUs. For example, Howard University in 2006 had the largest HBCU endowment at \$435 million, which pales in comparison with Harvard's \$28.9 billion endowment that year.²⁰ Yet, Howard's graduate programs rank second in the nation in producing black doctorates across all fields, and its graduate schools produced the largest number of black doctorates in the biological sciences in 2005, demonstrating HBCUs' disproportionate contribution to diversifying academe.²¹

The disparity in public and private investments between the nation's HBCUs that are producing diverse teachers and faculty and traditionally white institutions (TWIs) is particularly disturbing at a time when college access has become an important policy debate at the state and federal levels. In a survey of American colleges and universities, Thomas G. Mortenson, Senior Scholar at the Pell Institute for the Study of Opportunity in Higher Education, found that high-ability, diverse students increasingly are being locked out of college because state flagship universities that have a legal responsibility by federal mandate to be "the peoples' universities" are doing a poor job of enrolling and graduating African-American students, Hispanic students, and American Indian students.²²

The Mortenson report found that as the number of students of color is increasing in the states, most flagship universities are doing an inadequate job of enrolling African Americans, Hispanics, and American Indians. Despite some

recent progress by some flagship institutions in enrolling and graduating diverse students, Mortenson found most to be disengaged from educating the growing populations of their states. He concludes:

As ... state flagship universities disengage from the demographic changes occurring in their states, they diminish their justification for further state financial support for their operations. As flagships increasingly focus on the affluent shrinking majority populations in their states, then state political leaders should reallocate state higher education investment resources toward those institutions and programs that are serving these growing populations on which the state futures depend.

To maximize social welfare and diminish the many divisions that fracture our nation, federal resources devoted to broadening higher education should also be reallocated. Institutions that are disengaged from serving the growing demographic groups on which this country's future depends should be suspended from further Title IV student financial aid program eligibility. Institutions that are disengaged should be placed on probation and challenged to engage or face suspension. And those institutions that are reaching out to these growing demographic groups should be strongly supported for the important work they are doing.

Moreover, many of these same state flagship universities that are turning away from addressing demographic opportunities have accumulated significant endowments (profits) that remain tax free: UT system (\$8.7B), Univ of VA (\$1.8B), Ohio State U (\$1.2B) UNC CH (\$1.1B) Penn State U (\$900M), University of Illinois (\$900M), University of Delaware (\$900M).

"These public universities have accumulated huge profits but most appear unable or unwilling to enroll their state shares of underrepresented minority populations. They do not lack resources—they lack will."²³

Even as flagship public institutions enroll proportionately fewer minority students, HBCUs are fulfilling the need to educate these students. HBCUs have been more committed to an open society in which racial, ethnic, religious, and economic disadvantages can be overcome than have other educational institutions. HBCUs have been and remain committed to the production of graduates from families whose economic status makes attainment of a college education highly unlikely, and whose PK-12 system failings make attainment of a college education extremely challenging. HBCUs are odds-beaters. They have succeeded and are continuing to succeed in nurturing and producing black intellectual and moral talent against colossal odds. These institutions are exemplars of policies and practices that, if widely used across the country to educate the increasingly diverse populace, could move the nation toward realizing its egalitarian ideal; meeting its education, economic, cultural, moral, and civic engagement needs; and achieving its full potential.

HBCUs have a proven prescription for shaping the intellect and character of the growing populations of the nation, a prescription that is worthy of replicating nationally through broad public and private investment. This can be achieved through a variety of methods. Making traditionally underserved racial and ethnic minority students the majority at all institutions is not necessary to ensure that these students are better served. What is necessary is a fervent belief that these students can achieve to the highest standards, the creative fostering of excellence in these students, and provision of the resources they need to succeed. A review of the mission statement of any HBCU or PBI, makes it clear that academic excellence is expected of all students regardless of their academic background, socioeconomic strata, prior or present challenges. HBCUs and PBIs accept the responsibility and create learning environments in which students with the best preparation and those with the least preparation are provided the tools needed to receive a terminal degree in a field of their choosing. This latter point is significant because data suggest that many African-American students who attend MIT, Georgia Tech, or other highly selective institutions desirous of receiving a degree in one of the sciences, technology, or engineering, but who may not appear competitive early in their pursuit, often are steered to other disciplines, such as sociology and the behavioral sciences.²⁴ The task of supporting the aspirations of all students, and preparing disproportionate numbers of low-income students who were failed by their PK-12 systems, requires tremendous time investments from administrators, faculty, and staff, who understand the benefits of prepar-

ing, inspiring, and supporting students to achieve their dreams. It also requires proportionate public and private financial investments that are lacking.

Some of the replicable measures at HBCUs that would increase diversity at all institutions were identified and chronicled in, “Principles and Standards of Good Practice to Achieve Diversity and Multiculturalism,” the report from the 2003 national leadership institute, “Maintaining Missions, Margins and Multiculturalism,” hosted by Alcorn State University and co-sponsored by the College Board, the Southern Education Foundation, and the Association of American Colleges and Universities.²⁵

Constructing a National Pipeline for Diversity

Recent demographic statistics indicate that our nation is becoming even more diverse. Enrollment of students of color in public elementary and secondary schools has sustained growth for the past two decades after a downward spiral in the 1970s and early 1980s.²⁶ It is projected that minority student enrollment will continue to increase as a result of high numbers of births and increased immigration.²⁷ By 2008-09, the number of public high school graduates is expected to peak, with approximately 3.2 million students earning their diplomas.²⁸ Forty-three percent of these students are anticipated to be racial/ethnic “minorities.”²⁹ By 2014, half of the public high school students are projected to be racial/ethnic “minorities.” Although the number of students from racial and ethnic minorities in U.S. classrooms continues to rise, the teaching workforce has not experienced a concomitant growth in racial/ethnic minorities. At this time, when “our nation is in the midst of a perfect storm—the result of the confluence of...divergent skill distributions, the changing economy, and [shifting]...demographics,” HBCUs are strategically and ironically perhaps better situated than other higher education institutions to prepare diverse teachers for the classrooms.³⁰

The teaching profession serves as a gateway to all other professions, and the path through which a literate democracy must tread. With the ever increasing standards that have emerged since the landmark 1983 report, *A Nation at Risk*, class-size reduction initiatives, swelling numbers of immigrant and baby boomer children, and the “graying” teaching force, the United States is experiencing critical teacher shortages. The problem—especially acute in urban and rural districts and in the hard-to-fill areas of special education, mathematics, and science—is so severe that:

- Forty-two states issue emergency credentials to people who have taken no education courses and have not taught a day in their lives. Many teachers are hired based solely on their experience leading church or camping groups.
- One-fourth of new teachers—if they are licensed—are not licensed to teach in the fields they are teaching.
- Twenty percent of new teachers leave within the first three years; most likely to leave are those with the highest college-entrance exam scores. In addition, the teacher attrition rate is 50 percent higher in low-income schools than in wealthier schools.³¹

Research conducted by the National Education Association (NEA) indicates that minority students perform better when they are taught by minority teachers.³² NEA research specifically connects a more diverse and qualified teacher corps to eliminating gaps in student achievement.³³ In 2004, the NEA reported the results of a survey that indicated the number of male teachers in public schools had reached a 40-year low. According to the survey, only approximately 21 percent of all teachers are male, and of that number, 16 percent are men of color. This 40-year low in the numbers of African-American male teachers is occurring at a time in which nearly 60 percent of African-American males are not graduating with their high school cohort.³⁴

The growing number of students, new standards that require smaller teacher-student ratios, and retirement and attrition of current teachers will exacerbate the current situation. A lack of teacher mobility, inadequate induction programs, poor working conditions, and a growing salary gap between teachers with master's degrees—all help to explain why our nation is experiencing the worst shortage of qualified teachers in its history and why this shortage will continue unless a national plan is adopted and funded to reverse the trend. The gap between the number of professionals needed and those available is a gap that HBCUs can go a long way toward filling if provided adequate resources. HBCUs currently produce half of the African-American teachers with bachelor's degrees; nearly half in the growth and high-need areas of math, science, and engineering; and half of those in the health professions. America's black colleges and universities remain at the creative forefront of American education, offering the tools and skills necessary to prepare students to promote peace at home and abroad; secure our communities and our homeland; meet pressing global and

community healthcare needs; fight injustice with the power of ideas; and close the achievement gap and open doors of opportunity to those who are ill-served by many of the systems in our communities and the nation. HBCUs are continuing to do more for students with fewer resources than any other higher education institutions. They are poised to lead the nation in meeting its need for more and more diverse teachers and faculty.

The path to the Ph.D. can either begin or end at the secondary school level. Students' cognitive and reasoning abilities are developed early in their education, as are solid study habits and a passion for learning—all necessary skills for pursuing and completing the doctorate. Without diverse teachers who serve as positive role models and who work to improve student performance, minority students are at a disadvantage in terms of their preparation for higher education. In 2005, for example, African Americans represented 6.5 percent of earned doctorates.³⁵ Spread out across all colleges and universities, there are not enough African-Americans with doctorates to diversify the professoriate. Unless a concerted effort is made at the secondary school level to prepare students for academic careers, the number of black faculty will remain stagnant even as the number of black and minority postsecondary students increases.

Policies, Actions, Recommendations

To position America's black colleges and universities to realize their full potential for meeting our national need for more and more diverse faculty, the following policies should be adopted or actions undertaken:

Recruiting and retaining more minority faculty

- Increase faculty salaries. In 2005, the average salary for an assistant professor of English, which requires a doctorate, was \$47,357 compared with \$81,009 for professors in legal professions, which require a professional degree.³⁶ Many students graduate with so much loan debt that they cannot afford to live on faculty salaries. Many newly minted Ph.D.s support themselves and other family members, which they find challenging to do on low faculty salaries as they struggle to repay high student debt. To offset lower salaries, universities should help new faculty pay their student loans; provide housing and child care subsidies; or offer summer stipends, equipment budgets, and conference travel support. As a national policy, Congress should maintain student loan forgiveness programs designed to encourage new Ph.D. recipi-

ents to serve in high-need, underserved areas.

- The “burden” of diversifying an institution should not rest solely on the shoulders of minority faculty. In addition to conducting high-quality research to receive tenure, minority faculty often have more service responsibilities than many of their colleagues.³⁷ They mentor minority students, serve on faculty “diversity” committees, and often are active in multicultural services on campus. Although these activities contribute to the diversity, life, and well-being of the university, they result in minority faculty having less time to meet the requirements for tenure, which are almost always based on research productivity and the number of fellowships won. If institutions do not want to give service requirements greater weight in the tenure process, then they must do more to ease the service burden for minority faculty.
- Increase networking, mentoring, and professional development opportunities for new faculty. Academia can be isolating, especially for minority faculty who may be spread out across many departments on campus. Because the transition from graduate school to the tenure track may be challenging, institutions should provide more structured mentoring relationships between junior and senior faculty to ensure that minority faculty have a better understanding of the professoriate’s expectations. Professional development, such as workshops on teaching and grant writing, will help faculty feel more confident in the classroom and increase their chances of securing funding for research.

Increasing Access, Retention, and Postgraduate Opportunities

- The federal government and the states (as well as institutions, foundations, unions, trade associations, faith institutions, and others in the private sector) should increase support for programs that provide traditionally underserved students and families with early information about preparation, admissions requirements, costs and student financial aid as well as programs that provide these students with skills for college success and promote retention and graduation. Such programs will help prepare, inspire, and connect more students of color to higher education, graduate or professional school and the professoriate.
- To reverse the tide of leaving behind an alarming 60 percent of African-American males who are not graduating with their high school cohort, the National Association for Equal Opportunity in Higher Education (NAFEO),

the AFT, the NEA, the National Association of Independent Schools, and other partners should design and pilot nationally PK-12 academies on or near HBCU campuses to prepare and inspire low-income, first-generation, traditionally underserved males for the rigors of higher education and to provide them with a pipeline to an HBCU or another higher education institution aligned with their preparation and aspirations. There are a number of successful models from which to build. For example, the “Call Me Mister” program, based in South Carolina, is a consortium of historically black colleges (Benedict College, Claflin University, and Morris College) and traditionally white colleges that aims to increase the number of African-American male teachers in the state by providing tuition assistance, focused pedagogical coursework and training, and mentoring to participating students.³⁸ In Louisiana, the Capitol Pre-College Academy for Boys provides African-American males with a college preparatory curriculum as well as dual enrollment opportunities with Southern University-Baton Rouge.³⁹ These programs encourage student persistence at an early age and specifically provide black males with mentors and role models who are committed to their success.

- To afford students across socioeconomic backgrounds access to college, the Pell Grant should minimally be restored to its original purchasing power. The Pell Grant should be doubled over a five-year period to meet the unmet need for diverse teachers. This increase would enable the high-ability, low-income students who are currently locked out of college financially to cover the average cost of a public four-year institution. Consideration also should be given to creating a Pell Grant entitlement and tying the minimum annual award to the average charges for tuition and fees incurred by students at four-year public colleges and universities nationwide. According to the College Board’s *Trends in Student Aid 2006*, this amount is now approximately \$5,836.⁴⁰
- The federal government should undertake a study of the feasibility of making an early Pell Grant commitment to low-income students, as early as in the middle school years, to get more low-income, first generation, and underrepresented minority students and families to begin thinking about and preparing for college with the understanding that if they are prepared, they will be able to attend and afford a college education.
- The federal government should adopt a year-round Pell Grant and include two-year colleges as Pell-eligible institutions, because these institutions are points of entry for many economically and educationally disadvantaged

students. Year-round Pell eligibility would allow students to participate in academic programs that prepare them for graduate study, such as summer school, language programs, or study abroad. The federal government, states, and the private sector should invest proportionately more financial resources in those institutions that educate disproportionate percentages of high-needs students, such as HBCUs, PBIs, Hispanic-serving institutions (HSIs), and tribal colleges and universities (TCUs).

- To assist the nation in addressing the current and future teacher shortages, especially among black teachers, the federal government should establish and fund 10 Collaborative Centers of Excellence in Minority Teacher Preparation at HBCUs or PBIs to prepare highly qualified teachers, using the best research-based practices. The goals of these centers would be to expand the capacity of HBCUs and PBIs to produce much-needed and highly qualified teachers by establishing state-of-the-art training facilities equipped with the latest technology, where curriculum would be reviewed and assessed, best practices and strategies identified and replicated, and cutting-edge professional development and training provided. These centers would help fill the void of teachers, particularly in urban, minority, and underserved communities and in high-need and growth disciplines, improve the educational and professional prospects of minority students in high-need areas, and further the goal of equal educational opportunity for all Americans.
- The federal and state governments, private sector, and individuals should make greater and more strategic investments in strengthening the graduate and professional programs at HBCUs, and equipping those that want to expand their graduate and professional degree offerings and those that want to launch them to do so, especially in growth and high-need disciplines.
- Initiatives such as the W.K. Kellogg Foundation Comprehensive Minority Dental Faculty Development Program—which makes grants to U.S. dental schools for direct educational assistance to increase the numbers of underrepresented minority students recruited to, entering, and persisting in dental academic careers—should be replicated at HBCUs and expanded to other health professions, the teaching profession, STEM and other high-need disciplines.
- At the federal level, initiatives like the successful Minority Science and Engineering Improvement Program (MSEIP), which is designed to increase minority representation in science and technology by improving science and engineering programs at minority institutions, should be strengthened and

replicated for other high-need disciplines. Institutions of higher education could use MSEIP funds for projects ranging from faculty development and improvement to curriculum development and research capabilities. With tweaking, such as the creation of a new authority that encourages consortia that include the U.S. Department of Energy's regional laboratories; other federal agencies with science, mathematics, engineering and technology missions or mandates; and private sector companies or foundations related to health and scientific research, and with increased funding, MSEIP could go a long way toward assisting HBCUs and other minority-serving institutions (MSIs) ultimately to assist in diversifying STEM teachers and faculty.

- To enable or support greater participation of traditionally underrepresented students of color in doctoral studies, a greater investment should be made in assistantships (teaching and research) and fellowships targeted to low-income, first generation, traditionally underrepresented students, especially those pursuing terminal degrees in high-need and growth disciplines. In *Three Magic Letters: Getting to Ph.D.*, Nettles and Millet report that although black students are more likely to receive a fellowship during their graduate studies, they are less likely than white students to receive teaching and research assistantships.⁴¹ In addition to providing students with professional experience that will prepare them for the academic job market, these opportunities provide valuable financial support and help to offset student loans.
- To ensure the survival and progress of HBCUs, there is a need for the establishment at NAHEO,⁴² of an HBCU Technical Assistance, Research and Education Center with endowed chairs at the accredited HBCU law centers. The center would gather, maintain, and disseminate quantifiable, research-based data to sustain HBCUs; close the achievement, performance, and retention gaps; and improve educational outcomes. The endowed chairs would work with HBCUs in their region to gather and present data necessary to demonstrate to the satisfaction of the legislatures, executive, regulatory, administrative, and judicial bodies, funders and other stakeholders, the outcomes from investments in HBCUs. The Center would also gather and maintain data sufficient to stave off assaults on HBCUs that continue unabated, despite their equal educational opportunity missions and their remarkable successes against the odds.
- President Bill Clinton aptly recognized HBCUs as “the patron saints of universal access.”⁴³ To maintain their essential mission of providing access and opportunity in the face of legal, ideological, and financial pressures, and the

inevitability of a global future, the Higher Education Act should be amended to include additional ways of shoring up HBCU infrastructures, faculty and students as well as help build the capacity of these institutions, whose resources are especially sparse as they seek to continue doing more with less to provide equal educational opportunity. The reauthorization process should explore equitable and efficient ways of increasing levels of support for direct institutional aid to institutions that serve large percentages of high-need students, such as historically and predominantly black colleges and universities, HSIs, TCUs, and community colleges. Incentives for other institutions to graduate more financially disadvantaged students should be explored, such as providing “cost of education” direct aid to institutions in proportion to the percentage of disadvantaged students enrolled.

Investing in HBCUs, Expanding Human Capital, the Best Solution to the National Teacher and Faculty Diversity Challenge

HBCUs, as former President Bill Clinton aptly recognized, are the architects of equal educational opportunity. They are also among the nation’s most diverse higher education institutions, with 15 percent student diversity, on average, and 30 percent faculty diversity.⁴⁴

Faculty diversity benefits all students, not just minority students, by providing alternative viewpoints, critical perspectives, and exposure to other cultures that make America a crucible for innovation and creativity. HBCUs provide students with the ability to think analytically and challenge the “master narratives” that other students might accept uncritically. Because so few aspects of the black experience are adequately integrated into mainstream histories and theories in many academic disciplines, HBCUs traditionally have provided students with the ability to read between the lines as a way to understand their heritage. Because of their missions, the curricula in these institutions have as a matter of course addressed Afrocentric ideas, but the critical approach in all disciplines can benefit students of all races.

HBCUs have produced sterling talent that has benefited the nation immeasurably, not only in material contribution, but also in intellectual, cultural, moral, and spiritual offerings. These institutions have backgrounds of perpetual service to all people, with missions and goals of making educational opportunities a

reality rather than an empty expectation.⁴⁵ They are providing students with the intercultural, interpersonal, and political skills with which to compete and thrive in a diverse yet still Balkanized world. Throughout their history, HBCUs have proven to be national role models of equal opportunity and multiculturalism, specifically in their commitment to producing each new generation of diverse doctorates who enter the professoriate. With few resources, these institutions make extraordinary contributions to our nation's higher education community and its talent and resource pool. If America truly is committed to investing in diverse talent and human capital, and diversifying higher education faculty, it will begin by investing more equitably and more efficiently in our nation's HBCUs.

ENDNOTES

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⁶ Ibid.

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¹¹ Steve Suitts and the Southern Education Foundation, *Igniting Potential: Historically Black Colleges and Science, Technology, Engineering, and Mathematics* (Southern Education Foundation, 2005). ¹² Lori Thurgood, Mary J. Golladay, and Susan T. Hill, *U.S.*

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¹⁵ Michael T. Nettles and Catherine M. Millett, *Three Magic Letters, Getting to Ph.D.*, Johns Hopkins University Press (2006), Appendix E, p.276. The book uses data from the authors' survey of 9,000 doctoral students from the top 21 doctorate-granting institutions in the United States—the largest survey ever conducted of doctoral students. The authors' analyses and findings suggest a number of policy and institutional actions that can be taken to increase the numbers and expand the fields of study of traditionally underrepresented minority students who attain a Ph.D.

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¹⁹ Ibid.

²⁰ Olivia Majesky-Pullman, "Just the Stats: The Endowments at Public and Private Historically Black Colleges and Universities," *Diverse: Issues in Higher Education*, May 4, 2007.

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- ³⁹ Capitol Pre-College Academy for Boys, Baton Rouge, La., <http://capitolpcaboys.ebrschools.org/explore.cfm/aboutourschool/>.
- ⁴⁰ The College Board, *Trends in College Pricing* (Washington, DC and New York: The College Board, 2006): 4.
- ⁴¹ Nettles and Millet, *Three Magic Letters*, 81.
- ⁴² Founded in 1969, the National Association for Equal Opportunity in Higher Education (NAFEO) is the only membership association of its kind, representing all the nation's black colleges and universities: public, private and land-grant, two-year, four-year, graduate and professional, historically and predominantly black colleges and universities. It was

founded to provide an international voice for the nation's HBCUs; to place and maintain the issue of equal opportunity in higher education on the national agenda; to advocate policies, programs and practices designed to preserve and enhance HBCUs; and to increase the active participation of blacks at every level in the formulation and implementation of policies and programs in American higher education. Since its founding, it has also served as a clearinghouse on blacks in higher education.

⁴³ This quote is from the statement of President Bill Clinton, announcing Executive Order 12876, Historically Black Colleges and Universities, renewing the White House Initiative on HBCUs (1994).

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The Trouble with Faculty Diversity

WALTER BENN-MICHAELS

Here are two facts about the students at American colleges and universities today: The first fact is that college students are a much more diverse group than they used to be. In 1971, entering freshmen were overwhelmingly (90.9 percent) white; today 76.5 percent are white. And although the corresponding increase for blacks has been small (from 7.5 percent to 10.5 percent), for Latinos and Latinas and especially for Asian Americans the increase has been substantial. Each of the latter two groups represented 0.6 percent of college freshman in 1971; now Latinos and Latinas are at 7.3 percent, Asians are at 8.6 percent. The second fact is that, as the entering classes have become more diverse, they also have become richer. Of course, the families of college students have always been richer than the average American family. But in 1971, their median incomes were 46 percent above the national average; today, they are 60 percent above the national average.¹

No discussion of faculty diversity can begin without taking both these facts into account. The need for faculty diversity often is linked to the increasing diversity of college students. As JoAnn Moody puts it, “Although U.S. colleges and universities are enrolling far more minority *students* than ever before, they are failing to diversify their *faculty*.”² The idea is partly that faculty diversity is intrinsically valuable—we need a diverse faculty just as we need a diverse student body—and partly that, given the increased diversity of our students, a diverse faculty is useful—we need a diverse faculty properly to teach our diverse students.

Needless to say, the increased wealth of our students doesn’t have the same kind of relevance; no one, as far as I know, has openly argued that it’s intrinsically good to have richer students and no one openly argues that richer students require a richer faculty. Not so openly, however, it’s a different story. Many colleges want stronger students and nothing says higher SAT scores like higher

family income.³ So if you're trying to attract stronger students, you're also trying to attract richer students. And insofar as one way to attract stronger students is by making yourself more prestigious, you need to hire a more prestigious faculty, which you can only accomplish by paying them in a way that's commensurate with their prestige.

But the real relevance of the increased wealth of students is not in the impact it has on the wealth of faculty. My point in this essay will be that the increasing diversity of the student body should be understood as an alternative to and a distraction from efforts to address the increasing wealth of the student body. When you worry about matching your diverse student body with a diverse faculty, you're taking one problem (lack of student diversity) that has very little to do with the real injustices of our educational system and adding to it another problem (lack of faculty diversity) that has absolutely nothing to do with those injustices. This, I will argue, is the strategy not of liberalism but of neoliberalism—of a politics that has no problem with inequality as long as the beneficiaries of that inequality are as diverse as its victims.

Of course, there's an important argument for diversity that has nothing to do with social justice and, therefore, is not compromised by the claim that diversity doesn't actually promote social justice. It is often said (and it may well be true) that, as Stanley O. Ikenberry (former president of the American Council on Education) puts it, "[D]iversity provides educational benefits for all students—minority and white alike, and ... these benefits cannot be duplicated in a racially and ethnically homogeneous academic setting."⁴ According to this view, efforts to increase diversity should be seen "not only as a means of providing equal opportunity, but as a critical academic tool in offering students the best education possible." So whether or not 30 years of striving for diversity has produced much in the way of equality of opportunity (that's the question raised by the fact that college students today are from higher-income families than they used to be), diversity is valuable nevertheless. Indeed, given how much money they are paying for the college experience, students deserve diversity—in the same way that they deserve well-equipped chemistry labs, "smart" classrooms and state-of-the-art fitness centers. The jury's still out on whether a diverse faculty matters as much as, say, a high-speed Internet connection, but—assuming it does—people who are paying for a high-priced education ought to get what they are paying for. They ought to get a diverse faculty.

As Ikenberry's syntax suggests, however, the educational benefits of diversity are characteristically subordinated to the social justice benefits. It's "as a means of providing equal opportunity"—not as a means of providing the best possible education for rich kids—that diversity makes its appeal. And, insofar as the barriers to equal opportunity have been racism and sexism—discrimination—that appeal is a powerful one. Of course, no one believes that the admissions policies of colleges and universities discriminate against racial minorities or women today. On the contrary, as Orlando Patterson has written, today "The doors are wide open for ... black middle-class kids to enter elite colleges."⁵ But this good news has, as Patterson's formulation suggests, its accompanying bad news. The door is not so wide open for black kids who are not middle-class. More precisely, the door is not so wide open for any kids—black, white, or anything else—who are not in the upper 25 percent of American income, which is where almost three-quarters of the students in the top 146 U.S. colleges come from; 3 percent come from the bottom quartile.⁶ So the commitment to diversity today sets out to solve a problem—students denied equal access to higher education by discrimination—that no longer exists. And it leaves untouched a problem that has not only continued but worsened—students denied equal access by their relative poverty.

This is not to say that the economic issue has gone entirely unnoticed, but usually, it's secondary to race. Thus, for example, responding to the recent Supreme Court decision in *Parents Involved in Community Schools v. Seattle School District*, the distinguished law professor Derrick Bell by noting that "most poor children, regardless of race, are attending schools that are not meeting their educational needs" and then concludes it by attacking the "great many white Americans, including many with otherwise liberal views on race, who do not want their offspring attending schools with more than a token number of black and Latino children."⁷ The disconnect here is exemplary: poverty is the problem, diversity is the solution. And it's just as exemplary when the equation is reversed, as when people hopefully point out that, since minority students are disproportionately poor, a commitment (entirely legal) to economic diversity would indirectly contribute to racial diversity. Thus, as Jeffrey Rosen summed up the situation in the wake of *Parents Involved*, "Some scholars who support affirmative action also agree that public schools will use proxies for race—like neighborhoods, socioeconomic status or single-parent households to achieve their goals."⁸ Here, lack of diversity is the problem and poverty is the solution.

The mistake in both these cases is that economic inequality is regarded as essentially a consequence of racism (rather than, say, as a consequence of capitalism). Thus, efforts to remedy economic inequality are taken seriously only if they can be justified as contributions to diversity—it's diversity rather than equality that counts as the primary goal. And the irrelevance of diversity to equality is even more obvious when we look at the efforts to supplement racial and gender diversity with what is often called economic diversity. This is partly because the goal of diversity is a student population that roughly corresponds to the population as a whole and while virtually no colleges are able to achieve this with respect to race, no college is even trying to achieve it with respect to wealth. One obvious reason is that most colleges couldn't afford it. The total "Student Expense Budget" (tuition plus room and board) at Northwestern University for 2006-07 was \$46,860, about \$1300 less than the median household income in the United States. If economic diversity worked and poor students stopped being an underrepresented minority at Northwestern, then at least half the students would be unable to pay tuition at all, and a vast majority would pay very little. Right now, Northwestern (like most selective colleges) finds itself compelled to offer some financial aid to students from households whose income is as high as \$150,000. An income of \$150,000 puts you right in the middle at schools like Northwestern (Harvard calls families earning between \$110,000 and \$200,000 a year its "middle-income group"⁹), but it puts you in the 97th percentile of American incomes. When tuition is so high that even rich people can't pay it, no college can afford to be successful in its quest for economic diversity.

But the financial difficulty of paying for all the poor students would pale by comparison with the difficulty of actually educating them. So few students in the bottom half of American wealth get anything like the preparation they need in order to be admitted to and perform satisfactorily at most colleges and universities. The real reason, in other words, that Shanice from Chicago's West Side can't go to Northwestern is not because she's black (Northwestern is eager to recruit black kids) and not because she can't afford the tuition (Northwestern will pay her tuition if she gets in), but because she has nothing even remotely approaching the kind of educational preparation you need to do the work Northwestern will require her to do. A college that reconfigured itself to be able to teach our Shanices (both the black ones and the white ones) would have to be an entirely different sort of institution. That's why even public universities (where tuition is much lower and hence much less of an obstacle) are increasingly the preserves

of the rich. At the University of Michigan—which has been a leader in the fight for diversity—70 percent of the students come from families with incomes over \$75,000. That figure is for 2005; the comparable figure for 1995 is 56 percent, which, even allowing for inflation, the university itself has identified as a “statistically significant change.”¹⁰ So as Michigan has been winning (or at least breaking even in) the battle for diversity, it has been losing (insofar as it was even trying to fight) the battle for equality. Twenty percent of Michigan students come from families earning over \$200,000 a year; 2 percent of American families earn over \$200,000 a year. During the same 10-year period that the median income of University of Michigan students went up, the median income of the people of Michigan went down. In what sense, then, has the University of Michigan’s commitment to diversity made it a more progressive institution? Isn’t cloaking yourself in the moral superiority of diversity while contributing to the increase of inequality the epitome of liberal elitism?

The question of faculty diversity is at least superficially different from student diversity. Faculty diversity has lagged behind student diversity, and it’s plausible to think that people of color and (in some disciplines) women are sometimes victims of discrimination. Obviously, the fundamental commitment to anti-discrimination forbids this. But it would be a mistake to think that the goal of a diverse faculty, even if achieved, would get us any closer to social justice than the goal of a diverse student body has. A university that no longer excludes people of color but that increasingly excludes people without money is not a more just university. It is, instead, a university that has refused the injustices produced by racism while accepting the injustices produced by the unrestrained capitalism that is neoliberalism. Indeed, in this situation, injustice itself is defined on the model of discrimination rather than exploitation, and thus the university has begun to deal with even the economic problem as if it were a function of discrimination, as if it too could be solved by diversity. But, as we have already seen with respect to students, that solution can’t really work, and its irrelevance is even more obvious with respect to faculty.

What would it be like to supplement racial and gender diversity with economic diversity in faculty hiring? The first problem would be that, in principle, we couldn’t hire lower-income faculty the way we hired black faculty or women faculty. Why? Because the minute we hired them, they would stop being lower-income. So, unless we instituted special programs to keep lower-income faculty

relatively poor (e.g., by paying them less than the other faculty), the best we could do is hire *formerly* lower-income faculty.¹¹ Of course, this is not what we're seeking to do with race and gender diversity hires. We're not seeking to hire people who used to be black. But we might still defend the practice of hiring the formerly poor by saying that even though they cannot help us raise our lower-income diversity numbers, they can at least help us deal with the special needs of the (comparatively few) lower-income students we've got, and perhaps enable us to attract some new ones. This demonstrates once again the profound disanalogy between race and gender on the one hand and class on the other. For, just as lower-income faculty, in becoming faculty, have stopped being lower-income, the whole point of increasing the number of poor students would be to help them stop being poor. But the point of increasing the number of black students is not to help them stop being black; the point of increasing the number of women is not to help them become men. None of the arguments for celebrating and preserving racial and gender diversity makes any sense as an argument for economic diversity, because economic diversity is just another name for inequality.

By the same token, these arguments don't make any sense as a weapon against economic equality, since there is no contradiction—in practice or in principle—between increased diversity and increased economic inequality. Indeed, over the last 30 years, the commitment to racial and gender diversity and a high tolerance for economic inequality have turned out to be profoundly compatible. In the mid-1970s—after being held down for many years by what economists Thomas Piketty and Emanuel Saez call “nonmarket mechanisms such as labor market institutions and social norms”¹²—both income and wealth inequality began to grow. In 1975, the top 20 percent of the population earned 43.2 percent of the money made in the United States; in 2005, it made 50.4 percent, “the highest share of income going to the richest 20 percent of households on record.”¹³ The figures for wealth are even more pronounced (essentially, the bottom 20 percent have none). And while the usual conservative account of this increase attributes it to irresistible laws of supply and demand, economists Frank Levy and Peter Temin have recently produced an influential working paper that buttresses Piketty's and Saez's emphasis on nonmarket mechanisms with evidence that conservative “government policy”—tax cuts, union-busting, etc.—has played a crucial role.¹⁴ If we want a more equal society, they argue, we need a society committed to what they call “ex-post redistribution,” a society

committed to producing institutions that mitigate rather than accentuate the growing gaps in wealth.

But the contribution of American universities, as we have seen, has been on the conservative side. When confronted by the challenge of increased inequality, their response has been to demand increased diversity. So instead of fighting for a system of education designed to produce equality of opportunity, our liberal institutions have fought for a system in which inequality is tolerated as long as its benefits are distributed without recourse to racism or sexism. Thus, the struggle for faculty diversity is a perfect example of the kind of social justice struggle (the kind of liberalism) that conservative champions of the free market love, the kind that leaves questions of “ex-post distribution” not only unanswered but unasked.

This is why the vaunted liberalism of universities makes them indistinguishable from institutions that no one has ever thought to identify with progressive politics, like, for example, white-shoe law firms. A half-century ago, the very term white-shoe designated not (as it does today) a large and prominent firm working for major corporations, but a large and prominent firm that didn’t employ Jews. And although by the mid-1960s, Jews had begun to enter these firms in large numbers, the firms still hadn’t exactly become bastions of diversity. For example, they had almost no women. So when Levy and Temin want to compare the 1967 salaries of new associates in Wall Street firms with other college graduates’ salaries, they use “full-time *male* workers, ages 25-34” (italics mine) for the control group.¹⁵ Today, of course, the situation is very different. The U.S. Equal Employment Opportunity Commission reports that 40 percent of the lawyers in large firms are women (about 4.4 percent are black, and 4.3 percent are Asian).¹⁶ The most recent (2006) figure for women associates at white-shoe firms in New York City is 45 percent.¹⁷ If, then, you compare the diversity performance of law firms 40 years ago with law firms’ diversity today, you get a history of real (albeit incomplete) progress—law firms now employ many more women, many more Asians, and at least some more blacks. It’s not unlike the history of faculty diversity; indeed the comparable (2005) figures for full-time tenure-track faculty today are: women—44.6 percent, blacks—6.2 percent, Asians—9 percent.¹⁸

But the reason that Levy and Temin are interested in the contrast between law associates in 1967 and law associates today has nothing to do with the increase

in diversity. The increase they're focused on is the one between the median income of new lawyers and the median income of "all full-time male workers, ages 25-34, with post-bachelors education." In 1967 new associates "earned about \$49,500 in 2005 dollars," 14 percent more than "median earnings of all full-time male workers, ages 25-34, with post-bachelors education."¹⁹ In 2005, they "earned about \$135,000"; "the gap between this salary and the median salary of 25-34 year old men with post-bachelors education had opened from 14 percent to 120 percent." And today (in 2007, the starting salary at white-shoe firms is \$160,000), new lawyers begin their careers in the 97th percentile of American income. (Rich, but not too rich to qualify for financial aid at Northwestern.) They make a lot more than almost everyone else; more important, they make a lot more than almost everyone else than they used to. That's what it means to say that inequality is growing.

So, what's the moral of these two increases—in diversity and in income? Among lawyers, it's that the gains in diversity, however admirable, are insufficient. The New York report cited above complains of "stagnation" and urges signatory firms to "intensify their efforts," particularly with respect to "racial/ethnic minorities and attorneys with disabilities."²⁰ The Chicago Bar Association's Alliance for Women, shocked by the small percentage of women associates who go on to make partner at their firms, issued a "Call To Action: Focus on Diversity," demanding the elimination of "any disparity in the rates in which men and women are retained, promoted, and laterally recruited" in Chicago firms.²¹ Neither document mentions any redistribution of income, ex post or ex ante. It's the disparity between men and women and between blacks and whites that concerns these lawyers, not the disparity between lawyers and others, much less between rich and poor.

Of course, this isn't surprising. After all, they're lawyers. But it's not as if doctors and professors are any less committed to diversity, or as if their commitment to diversity has anything more to do with equality. The enthusiasm for more diversity among well-rewarded professionals represents a desire to legitimate our elite, not to make it any less elite—to make it fairer by eliminating prejudice as an obstacle to joining it. But at a time when the major obstacle to becoming a doctor or professor (or even a college student) has much less to do with race and gender than with money, the continuing call for racial and gender diversity begins to look like what it is—an essentially reactionary way of defending eco-

nostic privilege. Diversity for doctors and lawyers is liberalism for rich people; diversity for professors is liberalism for slightly less rich people.

The trouble with faculty diversity, then, is that achieving it will not make our education system fairer. And the energy we spend trying to achieve it can be described at best as wasted and at worst as directed toward a profoundly conservative goal. Seeing such efforts as merely wasted energy is the glass-half-full view, because although reapportioning the race and gender of the privileged few won't make the system better, it also won't make it worse. If our faculties are going to be staffed by people whose primary qualification is their good fortune at being born into relatively well-off families, why shouldn't some of the undeserving rich be black too? But the glass will begin to look half empty if we recognize that the cheerleaders for diversity are not just the corporate right (corporations are at least as committed to diversity as colleges are) but the supposedly anti-corporate left. Richard Kahlenberg recently reminded us of the outraged response to the report that, in the wake of attacks on affirmative action, UCLA had admitted a freshman class that was only 2 percent African American. "A commission was formed, and action plans were detailed to address the problem."²² But he goes on to point out that "poor children are even more underrepresented on selective campuses than blacks at UCLA." And not only is there no outrage, there's massive acquiescence to an educational system that—from the use of property taxes to fund public schools, to the use of tax-free endowments to fund financial aid for upper-middle-class students—is entirely structured to reward the wealthy.

Outraged by the lack of diversity, indifferent to the lack of equality—if you want a description of the new "social norms" that have helped put us in our current predicament, that's a good start. In response to the libertarian right's insistence on the virtues of unfettered capitalism, the left has devoted itself not (obviously) to promoting socialism and not (even) to mitigating the inequalities produced by the market, but to making sure that women and minorities have a chance to benefit from those inequalities. The commitment to faculty diversity is not a cure; it's a symptom.

ENDNOTES

¹ J.H. Pryor et al., *The American Freshman: Forty-Year Trends 1966-2006* (Los Angeles: Higher Education Research Institute, 2007). <http://www.gseis.ucla.edu/heri/40yrtrends.php>.

² JoAnn Moody, *Faculty Diversity: Problems and Solutions* (New York: Routledge Press, 2004), 1.

³ This is the 2006 data on income and SAT test scores, as reported in www.fairtest.org:

FAMILY INCOME

Less than \$10,000/year—1313

\$10,000 - \$20,000/year—1350

\$20,000 - \$30,000/year—1390

\$30,000 - \$40,000/year—1436

\$40,000 - \$50,000/year—1477

\$50,000 - \$60,000/year—1499

\$60,000 - \$70,000/year—1516

\$70,000 - \$80,000/year—1534

\$80,000 - \$100,000/year—1571

More than \$100,000/year—1656

⁴ Quoted in Association of American Colleges and Universities, “New Research on Faculty Attitudes on the Benefits of Diverse Learning Environments,” *Diversity Digest*, Spring/Summer 2000. <http://www.diversityweb.org/Digest/Sp.Sm00/attitudes.html>.

⁵ Quoted in Noliwe M. Hooks, *White Money/Black Power: The Surprising History of African American Studies and the Crisis of Race in Higher Education* (Boston: Beacon Press, 2006), 163.

⁶ Anthony P. Carnevale and Stephen J. Rose, “Socioeconomic Status, Race/Ethnicity, and Selective College Admissions,” in *America’s Untapped Resource: Low-Income Students in Higher Education*, ed. Richard D. Kahlenberg (New York: Century Foundation Press, 2004).

⁷ Derrick Bell, “Desegregation’s Demise,” *Chronicle of Higher Education*, July 13, 2007.

⁸ Jeffrey Rosen, “Can a Law Change Society?” *New York Times*, July 1, 2007.

⁹ Daniel J.T. Schuker, “Harvard Moves Forward with Financial Aid Initiative,” *Harvard Crimson*, June 9, 2005.

¹⁰ University of Michigan Student Profile, <http://www.crlt.umich.edu/gsis/StudentProfile-Datafor2006.pdf>.

¹¹ A moment’s reflection suggests that many colleges already have a program to keep poor professors poor; they just need to redescribe the exploitation of underpaid adjuncts as a contribution to economic diversity.

¹² Quoted in Frank Levy and Peter Temin, “Inequality and Institutions in 20th Century America” (Working Paper No. 07-17, MIT Department of Economics, Boston, June 27, 2007), 14. <http://ssrn.com/abstract=984330>.

¹³ Derek Douglas and Almas Sayeed, "An Ever Increasing Divide" (Center for American Progress, September 1, 2006). http://www.americanprogress.org/issues/2006/09/ever_increasing_divide.html.

¹⁴ Levy and Temin, 40.

¹⁵ Levy and Temin, 8.

¹⁶ U.S. Equal Employment Opportunity Commission, "Diversity in Law Firms" (Washington, DC: EEOC, 2003). <http://www.eeoc.gov/stats/reports/diversitylaw/lawfirms.pdf>. Not insignificantly, the EEOC's data, like the rise of the new inequality, goes back to 1975. At that time, women represented 14.4 percent of lawyers in large firms.

¹⁷ New York City Bar Association, "2006 Diversity Benchmarking Study: A Report to Signatory Law Firms" (New York: New York City Bar Association, 2006). <http://www.abanet.org/minorities/docs/FirmBenchmarking06.pdf>.

The report describes itself as "created under the leadership of Barry Kamins, President of the New York City Bar" and was issued to the Signatories of the Statement of Diversity Principles, a group of about 150 law firms.

¹⁸ U.S. Department of Education, *Employees in Postsecondary Institutions, Fall 2005, and Salaries of Full-Time Instructional Faculty, 2005-06*, (Washington, DC: National Center for Education Statistics, 2007). <http://nces.ed.gov/pubs2007/2007150.pdf>.

¹⁹ Levy and Temin, 8.

²⁰ New York City Bar Association, "2006 Diversity Benchmarking Study: A Report to Signatory Law Firms."

²¹ Chicago Bar Association's Alliance for Women, "Call to Action: Focus on Diversity." <http://www.chicagobar.org/calltoaction/>.

²² Richard D. Kahlenberg, "Invisible Men," *Washington Monthly*, March 2007. <http://www.washingtonmonthly.com/features/2007/0703.kahlenberg.html>.

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Can the Academy Live the Work and Walk the Talk? Lessons Learned from a Long-Term Faculty Dialogue about Racism

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Creating a learning environment that is effective for all students and faculty is central to the mission of colleges and universities. Adequately addressing diversity-related issues on campus, however, is becoming more challenging. It is well-documented that growing diversity on campus promotes academic and social growth for college students.¹ In fact, an intellectually rich and engaging learning experience is more likely at higher education institutions that recruit and retain students from diverse racial and cultural backgrounds, primarily because they bring equally diverse experiences and viewpoints to the classroom dialogue. Yet, there is a paucity of clearly articulated policies that support faculty and staff by substantively addressing diversity-related issues beyond a level of “awareness” of race and culture.² In order to make good on the promise of a diverse learning environment, it is imperative that faculty receive the support they need to systematically raise and successfully address curricular policies and practices that honor, and therefore engage, all students in the pursuit of academic excellence.

This paper will highlight lessons learned from a case study of an eight-year seminar for faculty and staff on racism at a small, private college in a large Northeastern city. The “antiracist seminars” explicitly focused on racism at the personal,

professional, and institutional level. Rather than a top-down initiative instituted in reaction to a campus crisis related to race, these seminars developed from a bottom-up initiative that began with faculty and staff who prepare college students to become educators and social workers in urban settings.³ The findings will show that much of the work done in these seminars helped faculty and staff unearth their beliefs and biases, and helped them develop ways to assist students in doing the same. Consequently, these educators have become more intentional in integrating race-related issues into their curricula. Moreover, faculty and staff have begun to work with the institution in its initial phase to create a systematic effort across all departments to promote an effective, diverse learning environment.

Supporting Faculty as Change-Agents

Peers are the primary agents of socialization for students in college, but faculty may have a more important role in influencing students' attitudes by determining the norms of the campus environment.⁴ Values and attitudes held by faculty can create a positive normative environment that can improve the climate for diversity. For example, activist faculty who promote relationships and interactions across racial and ethnic groups in classroom discussions have a positive effect on students and their commitment to work toward racial understanding.⁵ Since faculty attitudes and values are reflected in their teaching, it is important for faculty to be aware of their own attitudes as they work to understand its effect on pedagogy and on the students they teach.⁶

Faculty understand the importance of their role as “gatekeepers” of the curriculum, yet do not necessarily take an active role to incorporate diversity-related readings into their coursework.⁷ They may need guidance in how to make pedagogical and curricular changes in their teaching. Recent quantitative research at a large university reported by Mayhew and Grunwald (2006) indicates the influence of academic departments and the value of faculty workshops to promote diversity awareness and the need for curricular change. Many colleges provide valuable guest speaker series and workshops. Yet such short-term initiatives do not necessarily promote trust and in-depth dialogue that can lead to a deeper understanding among a diverse group. Typically, college campuses do not hold faculty forums that invite sustained dialogue on diversity or race, and faculty and staff have few or no opportunities to develop relationships or trust, or to engage in difficult discussions about racism.

Since the 1980s, colleges have undertaken campus-wide initiatives as a response to earlier racial tensions on campus. A variety of strategies, intergroup dialogues, and speaker series have been implemented to address these tensions. The problem with these approaches is that they tend only to help individuals address their own personal experiences with racial prejudice. In order to address racial issues more systematically, faculty must acquire the requisite knowledge and skills, through professional development, to equip themselves as change-agents in creating effective learning environments for diverse groups of students. Experiencing complex social dynamics with peers from different racial, cultural, gender, and economic backgrounds sets in motion an imbalance, or what Piaget called a *disequilibrium*. From a Piagetian perspective, disequilibrium is desirable in that it fosters questioning and learning.⁸ Yet literature on diversity in higher education has not thoroughly explored how college campuses might address and benefit from this inevitable disequilibrium, not only for students but also for faculty.

In their design principles to improve campus climate for diversity, Hurtado, Milem, Clayton-Pedersen, and Allen (1999) argue that faculty “need assistance in dealing with the social conflicts, stereotypes, and misconceptions among diverse groups of students that are likely to manifest themselves in the classroom.”⁹ As they guide classroom discussions, faculty must be able to pose questions that will promote proactive (not reactive) learning that addresses issues related to diversity. Such discussions can help open the doors of students’ minds and increase their ability to listen to multiple perspectives. In turn, students become better equipped to develop as effective professionals working in diverse environments. The literature lacks descriptions of how college faculty are supported in this challenge. Faculty need support that promotes self-awareness about their own attitudes and biases, and how those effect their teaching. Such support also should focus on concrete strategies to manage classroom dynamics.¹⁰

Evolution of the Antiracist Seminars

The antiracist seminars began in 1998 and continue today. This author is a longtime participant of the seminars and conducted this research as a participant-observer; thus, the seminars are described in the first person. The college that holds these seminars prepares students to become professionals who work primarily with children and families, such as teachers and social workers. When the seminars began, the college collaborated for two years with a private

preK-8 school and its newly formed Center for Antiracist Education. This collaboration offered education faculty, who also were supervisors of student teachers, a forum to explore antiracist education with a well-known diversity educator. The college's student body at that time consisted predominantly of white women, and there was a clear need to help students develop cultural competencies and sensitivity to the needs of a diverse population of children in an urban setting. One goal of the seminars was to help students become effective, culturally responsive professionals within an increasingly multilingual, multiracial, and multicultural society. We explicitly chose the name *antiracist seminars* to focus on race rather than on other areas of diversity (e.g., gender, sexual orientation, religion, class). In our experience, conversations on race were more difficult than conversations on other diversity issues and were more readily sidelined in favor of discussing the other issues. We believed identifying racism as our focus would eliminate this tendency. Additionally, singling out race helped illustrate critical race theory and highlighted the perspective that race is in the forefront of social policy analysis in the United States.¹¹ Rather than accept the prevalent notion that our politics and laws are guided by a colorblind attitude of equal merit, we understood that—not unlike other categories, such as gender or class—race is a social construction with a system of oppression that is cultivated and maintained.

After two years, the college's collaboration with the private school ended and the second phase of the seminars began. In the second phase, the seminars expanded to include faculty from departments other than education. An outside facilitator for the group needed to be hired, so funding became paramount. Varied sources within the college were tapped each year. As a condition of funding, the college required that the seminars be more broadly offered to the community. For the first time, a decision was made to open the seminars to staff as well. An announcement was sent to the college community at the beginning of each new semester, welcoming all faculty and staff to participate, with the caveat that regular attendance to the monthly meetings was important. We found from experience that if participants did not consistently attend, it was difficult to build adequate trust and cohesion within the group. This small college has an average of 85 faculty and 120 staff. Participation in the seminars typically included about 15 regularly attending faculty and staff at monthly two-hour meetings. Using the most recent year as an example of the group's racial makeup, there were six white faculty and staff, and seven faculty and

staff of color (African-American, Caribbean, Latina, and Asian). The diversity of faculty and staff was essential to the quality of our dialogue. Newly hired faculty of color often found their way to the seminars; either they were told about the seminars in the hiring process or read about the seminars at the beginning of each semester when invitations were extended.

Month to month, the seminars addressed current events, classroom dilemmas, and complex personal and professional social interactions. Sometimes we talked about how to be effective in our profession and our community. The facilitator's role was to help engage participants at whatever level they could participate. At times, people became uncomfortable as they looked for advice. We sometimes worked in affinity groups, to help relieve discomfort and fear, yet found that collectively unpacking a complex situation was valuable. Some of the questions we asked ourselves included, Was this comment racist? Was it meant to be humorous? Was it just indicative of the speaker's ignorance? If so, what do we need to do to promote understanding? What should the response be? Our intent was to explore how to be effective in a multiracial society and how not to perpetuate racist or other stereotypes.

The group was perceived by some in the college community as being "all talk" or "therapeutic," and as failing to publicly demonstrate evidence of the seminar's effectiveness. We came to realize that there was, indeed, a therapeutic nature to conversations involving race, bias, discomfort, challenging stereotypes, and unpacking the sometimes difficult and confusing racial bias we had faced personally and professionally. The perceptions about the seminars were difficult to dispel, particularly since the group did not regularly take an active, visible role in leading workshops, college-wide discussions, or events related to antiracism. Instead, the work occurred in individual classrooms and with individual students or within individual departments.

Lessons learned and policy implications from this long-standing seminar will be discussed by illustrating points with quotes from the data. Data from this case study is based on multiple sources: annual evaluations of the program, questionnaires, individual interviews, and document analysis of eight years of meeting notes. Although the sample group is relatively small—13 faculty and staff—we illustrate what was learned from objective, in-depth data analysis of questionnaires, interviews, and annual evaluations. This case study was

framed by the following questions to participants:

- In what ways has participation in the antiracist seminars affected your personal and professional growth?
- How does your work in this group affect your role with students?
- What is it about the group that has sustained it for eight years?
- What factors contribute to this conversation and what factors detract?

What Did We Learn from Sustained Seminars about Racism?

Faculty and staff consistently reported that the context of a cohesive, supportive group was a critical factor in helping them move beyond heightened awareness of racism, to taking an active role in raising issues of racism directly with students in and out of classrooms. Additionally, individuals in the group became increasingly more involved with institutional initiatives related to diversity and began to help shape the college's strategic planning and goals.

Discussing Racism Is Difficult and Requires Relationships Built on Trust

Discussing race, head-on, is difficult, and it is challenging to get to any depth of understanding. This is particularly true for a group that is racially mixed and has different individual histories and experiences with racism. Data revealed the discomfort that some participants experienced as a result of the conversations. One facilitator's style was direct, instructional, and pushed faculty to confront racism, particularly in classrooms and schools. A white faculty member reflected on those first years in a recent interview, remembering a steep learning curve as she began to understand white privilege.

I was never in a comfort zone coming to this group. ... I was stressed because it would challenge me in ways I had never been challenged. Increasingly it felt like I became the over-privileged white woman. I did not like the role. (May 2007)

The discomfort faculty and staff experienced required help from the facilitator in order to slowly build a level of trust and support within the group. The group's cohesion was a key factor in supporting the group personally and professionally in understanding racism. One faculty member likened building trust to building a foundation, brick by brick.

I think we have been in a real slow process to come together as a group and to be more trusting as a group and I think a lot of the activities have been bricks in the foundation for that. So sometimes it feels like we are just moving a couple of bricks, but actually I think this is important foundation-building.
(June 2006)

White faculty and staff learned from their colleagues of color to recognize how ingrained racism is in our institutional and social structures. Faculty of color might describe a scene or conversation that felt racist to them personally, often adding that such encounters were not uncommon. White faculty often were surprised at what they heard and could not understand how such a comment could be made at the college. Sometimes these comments could be explained by ignorance, thoughtlessness, or perhaps humor; regardless, racist-sounding comments on a college campus among colleagues and students are troubling and difficult to discuss. Faculty and staff of color were willing to share some of their uncomfortable interactions on campus in order to enable white participants to learn and become advocates (“white allies”) in racial understanding.

The anti-racist seminars have heightened my awareness of racial issues in the classroom and the society as a whole. It is the only place to discuss how this highly sensitive, difficult and critical issue of racism is unintentionally perpetuated because white educators do not know how to examine their teaching and management practices for racism. ... I feel strongly that this is not something most of us can do on our own and that the support and critical lenses of the participants in the group helps deepen the process. (May 2003)

The antiracist seminars provided an intergroup dialogue that supported exploration of sensitive issues around race with like-minded faculty. As educators, participants found a direct link between awareness of racism and teaching practice.

What did faculty and staff of color learn from their interactions with white faculty? This question was not explicitly posed to participants, but one faculty member of color offered the following in her description of why she attended the seminars.

It was insightful ... on how NOT to have a conversation about race. It helped me to anticipate where the sticky points were or where [white] people were not ready to go.

The second [reason why I attended the seminars] is that it helped me to figure out where my white students were going next or coming from [based on what I learned from my white colleagues]. (March 2007)

For future research, an important follow-up to this case study would be to address the specific question of what faculty and staff of all races learned from each other. This kind of information might help inform why discussions on race are difficult and to clarify for participants the purpose and possible outcomes of these conversations.

According to the participants, the following statement best describes the antiracist seminar's long-term discussion of racism:

We have built ourselves as a cohesive group with trust so that even if we do not get to all the racist issues in the monthly seminars, we can find each other outside of the meetings for further discussion.

Participants used the group as a source of trustworthy support, both during and between the monthly meetings. Many times, due to faculty and staff workloads, not everyone was able to make each meeting, but participants found each other at other times to extend their discussions.

Forming a cohesive group built on trust and relationships was critical to the success of the antiracist seminars. It is unusual to have this kind of forum on a college campus, yet it was instrumental in forming a corps of faculty and staff who developed personally and professionally, and who helped move the institution along in its efforts to create an effective and diverse learning environment.

Facilitation Is Crucial to Form and Lead the Group

An outside facilitator was crucial to help the group orient its discussions to race. Various strategies were used that helped the group get into in-depth discussions. The facilitator's strategies also were excellent models for faculty to learn from

and use in their own classrooms with college students. Facilitation strategies helped keep the focus, particularly if the conversation became uncomfortable or when the group slid into related conversations off the topic of race. Distractions detracted from the group conversation on race. At the same time, the development of trust contributed to the group, even though comfort could not be guaranteed. It was critical to have an experienced facilitator manage these dynamics and help the group notice and understand what was happening.

Facilitation strategies included posing questions, forming affinity groups, and asking participants to rank comments to understand what they, as individuals and as a group, found important. As educators, participants learned from the facilitator's model and applied some of these strategies to their own classrooms.

It has helped my teaching in the ways in which effective and creative facilitation strategies have been used by the facilitator to guide the group experience. (June 2004)

... I plan on applying it next semester. Jane had us do [an activity] on privilege. She gave us a worksheet with questions about privilege. It allowed us to bring our own understanding on privilege to the conversation instead of having her define it up front. We worked in small groups, to sort out ways we felt privileged in our lives and within the institution, and how at times we didn't feel privileged. (June 2006)

The same faculty member went on to explain specifics about how this activity heightened participants' awareness about different types of privilege (financial, gender, religious, and race).

We had three people coming from three different places in their understanding; one woman said she had not thought of anything other than financial privilege. It was enlightening for her to think of it in other terms as gender privilege, religious privilege, heterosexual privilege and race privilege. When we debriefed with Jane she talked about her intention not to define privilege and eventually wanted to talk about white privilege, but did not put that up front because it can frighten people or silence them early on. (June 2006)

This faculty member, like others, experienced the facilitation strategies first-hand and then considered how these could be applied to teaching college students. They wanted a facilitator who modeled methods for conducting inter-group dialogues that were proven effective and could be directly implemented in their own classrooms. As faculty and staff internalized what they learned about racism and applied it to their own cultural identity, they seemed to become more comfortable bringing this information to students via readings, class discussions, and one-to-one interactions.

Enacting Effective Learning Environments Means Moving Beyond Just an Awareness Level

Issues of racism often have been sidelined in our culture until a moment of crisis. Efforts to help faculty and students gain racial understanding must be proactive and must be focused on developing a productive learning environment—both in and out of the classroom. At the college, a long history of exploring multiculturalism already existed, with repeated discussions over the years unpacking what this meant for the college’s curriculum and how it applied to the preparation of new professionals. Faculty and staff who chose to be involved in the antiracist seminars wanted to target these efforts by addressing issues and strategies that could enhance the effectiveness—the attitudes, the behaviors, and the performance—of new professionals working with children and families marginalized in society.¹² The seminars became a place to develop the language and skills necessary to help college students challenge the predominant focus in educational theory on deficits, since this often was applied to children already disadvantaged because of ability, race, or socioeconomic status.

Participants in the seminars wanted to move their students beyond mere awareness about racism, to a level of transformation that required action and explicit changes in their classrooms. Faculty and staff rated the following statement as describing the most important effect of the seminars:

I am more deliberate in bringing up the issue of race in my classes and encouraging students to consider how and when race might be a factor in the work they do and in their own behavior. Faculty prioritized the act of raising racial issues in the classroom as a critical outcome of their work.

I generally found that those sessions which focused directly on our work as educators were the most beneficial. The seminar has continually pushed me to examine my own assumptions and biases around race and class particularly. I feel more comfortable raising issues involving race in both my seminar and supervision. Because the seminar involves classroom management and parent issues, I have broadened my readings and discussions to include both culturally and developmentally appropriate practices. (May 2003)

I listen and respond to students more carefully now in terms of an anti-racist lens. I seek and use new readings for classes that relate/connect to teaching for social justice. I view the world in new ways (seeing issues of race and systemic racism everywhere) which impacts how I relate to any course material. (June 2004)

One of the key results of the seminars is that faculty have begun the work of addressing their own beliefs and behavior, and are developing ways they can help students address interpersonal issues that carry undertones of racism. We know that diverse learning environments promote the learning of critical thinking and interpersonal skills that are essential to preparing professionals and leaders. Faculty and staff must learn how to create such optimal learning environments and must develop skills to guide complex conversations, thus modeling the very values and skills we want from our students. Faculty have not successfully addressed the policy issues and institutional structures that would alleviate the disadvantages students face because of their race. This would require collective action and perhaps repositioning ourselves on committees with policy-changing power. Additionally, this will require collaborating with students on their behalf.

What Can Institutions Learn about Offering an Antiracist Seminar for Faculty and Staff?

Other institutions should be aware of three key themes about offering antiracist seminars. First, to reach a level of thoughtful effectiveness, the seminar group needs time to reflect before moving to action. This careful reflection provides time for self-exploration that eventually affects the participants' teaching, their roles in the college, and ultimately the institution. Second, the seminars should

be one of several professional development opportunities embedded in the infrastructure of the college. Third, sustained dialogue over time is essential to establish trust and mutual understanding among faculty and staff.

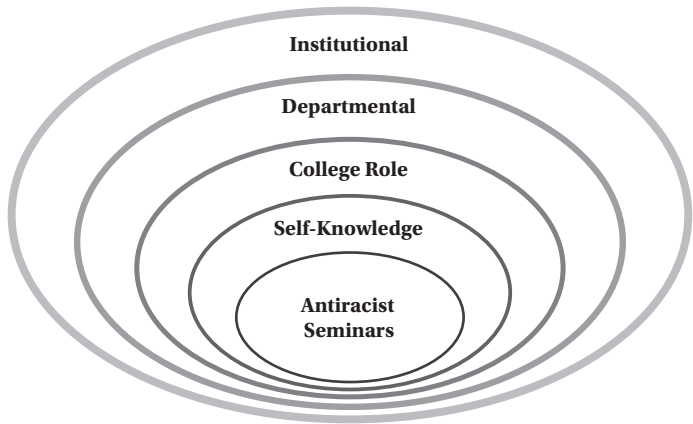
Reflection Informs Action

In the long view, the learning that took place in the seminars can be described in steps. A first step included building trust and forming relationships among the faculty and staff. There was some pressure by the institution for the group to take the lead in organizing campus events related to diversity; instead, in the first years, the group made an explicit effort to be more reflective than action-oriented. A second step involved reflection and dialogue that promoted racial and cultural understanding. This reflective stance included reading, discussing, exchanging ideas on teaching, confronting students and peers about their thinking, and exploring one's own race and culture. A third step saw faculty and staff move to action. These actions included researching ways to reach students with limited experience with diversity. Faculty and staff rated the following as the most important goals inspired by the seminars:

We need to continue to explore how better to reach young people whose experience has been limited, how to help them learn to teach when a class is culturally diverse. We need to do research in our classes and with our students, and to share our data and findings within and outside the college.

The growth of this group was influenced by the culture of the individuals and the college at multiple levels. These influences are similar to the ecological model outlined by Bronnfenbrenner.¹³ In the diagram in Figure 1, the antiracism seminars sit in the inner circle of concentric circles, providing a context to engage in conversation about racism that evoked a state of disequilibrium for the participants. As individuals, and eventually as a group, these conversations increased our self-knowledge and heightened our awareness about antiracist practice. Thus, the second ring becomes the participant's self-knowledge and professional development. That, in turn, influences the work that faculty and staff do in their many roles at the college (third ring), which has an effect on policies and decisions made in departments (fourth ring), which ultimately affects the institution (the fifth ring). (See Figure 1)

Figure 1: Influence of the antiracist seminars at the individual, professional, and institutional levels.



As clearly shown in the data, the seminars provided a context for a group of faculty and staff to reflect and gain knowledge, which motivated them to act—by using their roles as educators to help students understand the system of racism and its effect on the many sectors of our society. This learning was grounded in reflection and, in time, ultimately caused a ripple effect in the institution. For example, several seminar participants became key players in a community diversity initiative begun by the college president. The initiative’s activities included designing a campus climate survey and participating on committees to advise the administration. The president challenged the college to “walk the talk” and to conduct a self-evaluation that included faculty, staff, and students to understand the scope of diversity-related issues on the campus. Strategic goals that reached all corners of the campus were to be outlined once the community reviewed the data and understood priorities for the various constituencies.

**Embed Professional Development
in the Institution’s Infrastructure**

One of the largest challenges of the antiracist seminars was their marginalized status; the seminars had to be sustained each year without an infrastructure for administrative or financial support. As Mayhew and Grunwald (2006) suggest, faculty development should be aligned with departmental and institutional

goals, so that curricular change is promoted across the campus. Providing an infrastructure for faculty development places a public value on its efforts and allows for cross-departmental conversations to develop and transform the curriculum. These antiracist seminars have never moved beyond the education and social work faculty and staff. Had there been a stronger infrastructure for the seminars, perhaps there would have been broader faculty and staff representation across all academic areas and other departments (e.g., student life, admissions, and financial aid).

If the group were going to address the institution's needs, then participants felt that others, particularly staff from administration, also should be involved. Participants commented that if the seminars were recognized by the administration as a professional development opportunity, then potential additional participants, particularly staff, could get permission to take two hours each month to attend the seminars.

We are missing a whole set of administrative staff who want to participate but feel they do not have the permission or the support of their manager or supervisor to take two hours on a Friday to go to a meeting.

...We are missing a whole segment of our population here on the campus. (June 2006)

This staff participant had strong opinions that an infrastructure must be built that cuts across multiple administrative divisions in order to promote a concerted and productive institutional effort around diversity. Generally, the staff who regularly attended the seminars were those who worked closely with faculty and students and had a developed sense of how antiracist practices affected students. Staff who did not have direct contact with the students and the college's curricula did not attend the seminars and were perhaps less likely to see the significance of the seminars to their role at the college.

A professional development opportunity, such as the antiracist seminars, should be one of several choices for faculty and staff professional development. A short survey distributed to faculty asked about the type of forum they preferred for discussing issues related to diversity, antiracism, and multicultural education. The sample returning the survey was small but, from the group, 43 percent preferred

one meeting each semester, 21 percent preferred a one-day or two-day workshop, and 21 percent preferred a monthly meeting. This feedback was important when considering other kinds of forums for intergroup discussions. The antiracism seminars provided a forum that may not have been preferred by a majority of the faculty, although it clearly met the needs of a subset of the faculty.

Although administrative support is essential, autonomy for the participants is equally important. Participants need a role in decision-making about the goals, agenda, facilitator, and timing, so that individual and group needs are met.

Sustained Dialogue Is Essential

Sustained dialogue about racism and other biases provided support to the group that launched action. The college described in this study is a small college with a strong mission to improve the lives of children and families, and a long history of promoting multicultural education and working with children and families in urban settings. Despite this mission, it was not always clear to the administration how best to support faculty. The college has no office or administrator whose explicit focus is diversity issues for students or faculty on the campus. The administration should realize that for faculty and staff to achieve any depth of understanding about racism, a sustained dialogue must be provided for those who want to come to the table.

Faculty of color reported that, when they were hired, administrators told them about the long-standing antiracist seminars, perhaps to indicate faculty support and attention to racial issues. Whether or not these seminars have helped retain faculty of color cannot be proven by this case study. Personal experience and anecdotal accounts suggest that the seminars may have been a factor in retaining faculty of color. Often new faculty of color chose to attend the seminars, perhaps more so than new white faculty, and may have found like-minded colleagues there. It is possible that these seminars provided support for marginalized faculty and staff, including those of color and those who were part-time or instructors. These participants may have been more likely to remain on campus because they felt supported by the group. Additional systematic research is critical to better understand the benefits and outcomes, if any, among racial groups of faculty and staff participating in a long-standing professional development activity, such as antiracist seminars.

Conclusion

The long-term antiracist seminars provided support, developed knowledge, modeled facilitation skills, and built relationships among faculty and staff that extended beyond the monthly meetings. The seminars helped teach faculty and staff the skills and values they needed in order to convey those skills and values to their students. Unlike short-term workshops and conferences on diversity, which also have value, this sustained monthly professional development forum allowed faculty and staff a consistent place where colleagues were available to unpack dilemmas, share resources, and practice having conversations about racism. The presence of this diverse faculty corps handling diversity issues became integral to the college's newly formed community diversity initiative. At issue was not only the recruitment and retention of faculty and students of color, but also the challenge to engage the community so that it could become a welcoming and successful learning environment for all.

To fully realize the benefits of diversity, college campuses must create sustained opportunities for faculty and staff to understand how racism influences and shapes decision-making processes, and how it ultimately affects institutional policies. The seminars bridge cognitive understanding and transformational educational work. The experiential nature of the seminars allowed the group to discuss societal responses to racism and to become a catalyst for turning awareness into action. The group's cohesion empowered participants to take leadership roles in diversity initiatives at the college and provided a forum that could respond to racism-related episodes and events. Institutional support for professional development that includes a sustained dialogue on racism for faculty and staff can help the academy to begin to "live the work and walk the talk."

ENDNOTES

¹ L. I. Brown, "Diversity: The Challenge for Higher Education," *Race, Ethnicity and Education* 7, no. 1 (2004): 21-34; R. Downing et al., "Affirmative Action in Higher Education," *The Diversity Factor* 10, no. 2 (2002): 13-18; P. Gurin et al., "Diversity and Higher Education: Theory and Impact on Educational Outcomes," *Harvard Educational Review* 72, no. 3 (2002): 330-366; S. Hurtado, "Linking Diversity with the Educational and Civic Missions of Higher Education," *The Review of Higher Education* 30, no. 2 (2007): 185-196; J. Milem and K. Hakuta, "The Benefits of Racial and Ethnic Diversity in Higher Education," in *Minorities in Higher Education, 1999-2000, Seventeenth Annual Status Report*, ed. D. J. Wilds (Washington, DC: American Council on Education, 2000), 39-67; N. Muthuswamy, T. Levine, and J. Grael, "Interaction-Based Diversity Initiative Outcomes: An Evaluation of an Initiative Aimed at Bridging the Racial Divide on a College Campus," *Communication Education* 55, no. 1 (2006): 105-121; G. Orfield, ed., *Diversity Challenged: Evidence on the Impact of Affirmative Action* (Cambridge, MA: Harvard Education Publishing Group, 2001).

² P. Helton, "Diversifying the Curriculum: A Study of Faculty Involvement," *Diversity Digest*, Fall 2000, <http://www.diversityweb.org/Digest/F00/research.html> (June 11, 2007).

³ Linda Frankel, "FAIRteach: Faculty Development on Issues of Racism and Diversity," in *Multicultural Teaching in the University*, ed. D. Schoem, L. Frankel, X. Zuniga, and E. Lewis (Westport, CT: Praeger, 1993), 260-270; R. H. Gudeman, "Faculty Experience with Diversity: A Case Study of Macalester College," in *Diversity Challenged: Evidence on the Impact of Affirmative Action*, ed. G. Orfield (Cambridge, MA: Harvard Education Publishing Group, 2001), 251-276; T. C. Guy, J. C. Reiff, and J. P. Oliver, "Infusing Multicultural Education: A Process of Creating Organizational Change at the College Level," *Innovative Higher Education* 22, no. 4 (1998): 271-289.

⁴ J. P. Milem, "College, Students, and Racial Understanding," *Thought and Action* 9, no. 2 (1994): 51-92.

⁵ S. Hurtado et al., *Enacting Diverse Learning Environments: Improving the Climate for Racial/Ethnic Diversity in Higher Education*, ASHE-ERIC Higher Education Report 26, no. 8 (Washington, DC: George Washington University, Graduate School of Education and Human Development, 1999), 42-43.

⁶ K. Case and A. Hemmings, "Distancing Strategies: White Women Preservice Teachers and Antiracist Curriculum," *Urban Education* 40, no. 6 (2005): 606-626.

⁷ Mayhew and Grunwald, "Factors Contributing to Faculty Incorporation of Diversity-Related Course Content," *Journal of Higher Education* 77, no. 1 (2006): 148-158.

⁸ J. Piaget, *The Equilibration of Cognitive Structures: The Central Problem of Intellectual Development* (Chicago: University of Chicago Press, 1975/1985).

⁹ Hurtado et al., *Enacting Diverse Learning Environments*, 74.

¹⁰ Ibid.

¹¹ Nancy Lopez, "The Missing Link: Latinos and Educational Opportunity Programs," *Equity and Excellence in Education* 33, no. 3 (2000): 53-58; G. Ladson-Billings, "Racialized Discourses and Ethnic Epistemologies," in *Handbook of Qualitative Research*, 2nd ed., ed. N. K. Denzin and Y. S. Lincoln (Thousand Oaks, CA: Sage, 2000), 257-277.

¹² G. Ladson-Billings, *Beyond the Big House: African American Educators in Teacher Education* (New York: Teachers College Press, 2005).

¹³ U. Bronfenbrenner, *The Ecology of Human Development* (Cambridge, MA: Harvard University Press, 1979). Personal communication with A. Klein, 2005. Klein proposed Bronfenbrenner's ecological model in relation to the antiracism seminars, but not until reviewing this data did I realize the significance of this connection.

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Tenure Denied: Cases of Sex Discrimination in Academia

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This article draws extensively from the report *Tenure Denied: Cases of Sex Discrimination in Academia* published by the American Association of University Women Educational Foundation (2004). The report was written by Leslie Annexstein, Catherine Hill and Elena Silva based on research conducted by Pamela Haag. Copies of the full report as well as information about the AAUW Educational Foundation and its Legal Advocacy Fund (LAF) are available at www.aauw.org.

Over the past three decades, women have made remarkable strides in academia, and now make up a majority of college graduates and about half of those earning doctoral degrees. Women also have made impressive gains in faculty appointments at all ranks, growing from about one-fourth of the full-time faculty to more than one-third (AAUW Educational Foundation 2004). Despite these gains, women remain underrepresented at the highest echelons of higher education. Women make up more than one-half of instructors and lecturers and nearly one-half of assistant professors, but they represent only one-third of associate professors and one-fifth of full professors (see Appendix A). On average, women hold lower ranking positions than men and are less likely to have tenure. Despite a burgeoning pipeline of women with doctorates, the ranks of tenured faculty remain decidedly male.

This article focuses on women who took their fight for tenure to the courts. Drawing on cases supported by the American Association of University Women Educational Foundation Legal Advocacy Fund, we document the challenge of fighting sex discrimination in academia. In the process, we illustrate the overt and subtle forms of sex discrimination that continue to impede women's progress.

The difference tenure makes

Tenure is a promise of lifetime employment awarded to scholars who demonstrate excellence in scholarship, teaching, and service. An employment practice unique to academia, its closest business equivalent may be achieving the position of partner in a law firm. According to the landmark *Statement of Principles on Academic Freedom and Tenure* made in 1940 by the American Association of University Professors and the Association of American Colleges, tenured faculty can be fired “only for adequate cause, except in the case of retirement for age, or under extraordinary circumstances because of financial exigencies.” The burden of proof for adequate cause or financial exigencies rests with the university or college, and dismissal of tenured faculty is a rare event. Tenure conveys the approval of the academic community as a whole and ushers the fortunate candidate into a position with extraordinary job security and prestige.

Tenure review generally takes place five to seven years after a candidate is hired. Although the nature of tenure review varies greatly among institutions, the criteria for tenure generally include research, teaching, and service. Most tenure committees depend on their own judgments, evaluations from outside faculty with expertise in the candidate’s area, and student evaluations or other forms of student input. Typically, the candidate’s department manages the process and makes the initial recommendation to the dean. In most cases, but not always, the final decision-maker—the provost or board of trustees—will defer to the dean’s recommendation. Increasingly, the AAUW Legal Advocacy Fund has received complaints from professors who have been denied tenure indicating that the recommendations of faculty committees and deans are being ignored.

A negative tenure decision is always painful. Losing a bid for tenure is much more damaging than merely being passed over for a promotion, because the disappointed candidate usually loses her job and must leave the university by the next academic year. Because academic disciplines are often tightly knit communities, rejected faculty can find it difficult to get a new job elsewhere in academia. In disciplines where few jobs are available outside academia, many disappointed tenure candidates are forced to change careers altogether—a difficult, time-consuming, and often costly feat. Universities and colleges stress the permanent nature of the tenure contract, but they often gloss over the fact that a negative tenure decision terminates the candidate’s job and, sometimes, his or her career.

The tenure process has a number of characteristics that contribute to the likelihood that the decision will end up in court. In a typical case, the tenure file and committee proceedings are confidential. Secrecy is needed, some argue, to allow for candid review. The downside, however, is that candidates do not have access to key documents used to make the tenure decision and often learn about deliberations through rumor. Because candidates receive only partial information, it is difficult for them to know if they have been treated fairly.

Ambiguity about the standards needed to secure tenure is another sore point among many rejected candidates. Many universities do not have clear and specific standards for awarding tenure. As a plaintiff highlighted in this article learned, several books and dozens of peer-reviewed articles will not always result in tenure. Disagreement even exists about how to “count” articles or books. Within a discipline, the prestige of a particular journal or kind of scholarship can be subject to debate. For example, an article in a women’s studies journal is sometimes viewed as a “second tier” publication compared with a publication in a traditional discipline, even if the women’s studies journal has wide circulation and a good reputation among interested scholars.

Although the standards for granting tenure remain ambiguous in the eyes of many applicants, most academics agree that standards have risen during the 1980s and 1990s as the number of tenure-track and tenured positions has dwindled relative to the number of applicants. This belief is so widely held that, as one judge noted in the *Hirschhorn v. University of Kentucky* (an LAF-supported case), a tenured professor cannot be used as a point of comparison for a tenure candidate because the standards have risen so substantially. It is ironic that some of the older tenured faculty presiding over tenure cases would not receive tenure by today’s competitive standards. This discrepancy can exacerbate the emotional frustration of disappointed tenure candidates.

Biased behavior and decision-making remain serious problems in the promotion and tenure processes of many universities and colleges. In some cases described herein, discrimination was overt. For example, one department chair argued that a woman professor didn’t need her job as much as a man did because she was married (and presumably could depend on her husband for support). In other cases, discrimination was more subtle, manifesting itself in the guise of personal animosity toward a female professor who did not seem sufficiently

“collegial.” Either way, if evidence indicates that tenure was denied based on gender, the candidate can sue the university claiming sex discrimination.

Sex Discrimination Laws and Judicial Interpretation

Most of the tenure denial cases filed in federal court are brought under Title VII of the Civil Rights Act of 1964, which prohibits discrimination in employment on the basis of sex, race, national origin, and religion.¹ Discrimination based on sex was not initially covered under Title VII. Gender was added as a last-minute amendment by a conservative congressman intent on killing the bill. A small group of female legislators successfully rallied to support the amendment, and discrimination based on sex was included. From this awkward beginning, lawyers and plaintiffs have tried to build a coherent legal defense against sex discrimination.²

Two approaches to sex discrimination litigation exist under Title VII and have been developed through court decisions. The first major U.S. Supreme Court Title VII case, *Griggs v. Duke Power Company*, 401 U.S. 424 (1971), applied a “disparate impact” theory of employment discrimination under Title VII. Disparate impact discrimination refers to practices that appear neutral on their face but that result in discrimination against a protected group. The issue in *Griggs* was whether an employer could require job applicants to have a high school diploma and pass aptitude tests that, the plaintiffs argued, were not based on real job requirements. Because these requirements excluded a much larger percentage of African American men than white men, the plaintiffs argued that the requirements constituted disparate impact discrimination. While the tenure process does appear to exclude a larger percentage of women than men, few tenure cases alleging sex discrimination have proceeded under the disparate impact theory.³

Most cases of sex discrimination in tenure denial have proceeded under a second approach: the theory of “disparate treatment” (the differential treatment of employees or applicants on the basis of their race, color, religion, sex, national origin, handicap, or veteran’s status). Under this approach, a plaintiff must prove intentional discrimination using direct or circumstantial evidence. The Supreme Court articulated the framework for proving disparate treatment discrimination in the landmark decision in *McDonnell Douglas Corporation v. Green*, 411 U.S. 792 (1973). The plaintiff must first establish that

she (1) belongs to a protected class, (2) is qualified for the position, (3) suffered an adverse employment action, and (4) was replaced with someone outside the protected class, i.e., a male. A plaintiff may meet the fourth element by showing that a comparable nonprotected person was treated more favorably. Once the plaintiff has established a prima facie case, the burden shifts to the employer who must articulate a legitimate, nondiscriminatory reason for its decision. When the employer has met this burden under *McDonnell Douglas*, the plaintiff must prove that the employer's legitimate nondiscriminatory reason is not the real reason for the decision but rather a cover story or a "pretext" for discrimination.

During the past two decades, judicial interpretations of the law have, for the most part, made it more difficult for a plaintiff in a tenure case to prove discrimination. Specifically, judicial interpretations of the question of "intent" to discriminate and the relative importance of motive have made it harder to prove sex discrimination. A major shift occurred when the Supreme Court ruled in *Texas Department of Community Affairs v. Burdine*, 450 U.S. 248 (1981), that the college or university must produce a legitimate, nondiscriminatory explanation for its decision but that it does not have to convince the court that it was actually motivated by this reason. For example, in tenure cases, universities typically explain that they denied tenure because of inadequate scholarship or teaching. Under *Burdine*, the college or university does not need to prove that it actually based its decision on this rationale, only that a decision based on this rationale would be reasonable. Thus, winning sex discrimination cases became more difficult after *Burdine*, because the burden of persuasion now remains with the plaintiff throughout the life of the case.

More recent Supreme Court rulings have imposed additional burdens on plaintiffs, most notably in *St. Mary's Honor Center v. Hicks*, 509 U.S. 502 (1993). In an opinion written by Justice Antonin Scalia, the Supreme Court concluded that even if a plaintiff could demonstrate that the employer lied about its reason for its employment decision, the plaintiff also would need to show that the employer lied specifically to mask discrimination. The pretext, Justice Scalia reasoned, may simply be disguising a nondiscriminatory but unsavory reason, such as personal dislike for the plaintiff, and in such cases, Title VII does not provide a remedy.

The U.S. Court of Appeals applied the *Hicks* decision to academia in the often-cited and important ruling *Fisher v. Vassar College*, 114 F.3d 1332 (2d Cir. 1997), a case supported by the Legal Advocacy Fund and highlighted in this article. The *Fisher* court concluded:

Individual decision-makers may intentionally dissemble in order to hide a reason that is nondiscriminatory but unbecoming or small-minded, such as back-scratching, log-rolling, horse-trading, institutional politics, envy, nepotism, spite, or personal hostility The fact that the proffered reason was false does not necessarily mean that the true motive was the illegal one argued by the plaintiff. (*Fisher*, 1337)

Because tenure decisions involve multiple decision-makers, a decision will be made for multiple reasons. In a complex decision-making process, it becomes increasingly difficult for plaintiffs to demonstrate that the driving force behind the negative decision was discrimination.

More-complicated Title VII disparate treatment cases involve “mixed motives” (both legitimate and discriminatory motives) for the employment decision. The Supreme Court addressed the issue of mixed motives in its landmark ruling in *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989). In this case, the court held that Price Waterhouse had both legitimate and discriminatory reasons for denying the plaintiff partnership at the firm. In affirming part of the lower court’s ruling for Hopkins, Justice William J. Brennan determined that under Title VII, “the critical inquiry . . . is whether gender was a factor in the employment decision *at the moment it was made*” (*Price Waterhouse*, 241) [n.b., emphasis in the original opinion]. In other words, sex discrimination must have played a motivating part in the employment decision but it need not be the only motivation.

The Civil Rights Act of 1991, which amended Title VII, codified the motivating factor standard.⁴ Thus a plaintiff who can show that a decision was the product of a combination of legitimate and illegitimate motives has put forward direct evidence of discrimination and does not need to demonstrate pretext as required under the *McDonnell Douglas* paradigm. Under *Price Waterhouse*, “The plaintiff must persuade the factfinder on one point, and then the employer, if it wishes to prevail, must persuade it on another” (*ibid.*, 246).

When a disappointed faculty member becomes a plaintiff in a sex discrimination case, she and her legal counsel must demonstrate that she has enough evidence for her case to be heard by a court. Plaintiffs can satisfy the prima facie burden in several ways. As described in *Zahorik v. Cornell University* a plaintiff can attempt to show “departures from procedural regularity, such as a failure to collect all available evidence” on her candidacy, and she can present “conventional evidence of bias on the part of individuals involved” in the tenure decision. She also can show that she was denied tenure despite the fact that “some significant portion of the departmental faculty, referrants [sic] or other scholars in the particular field hold a favorable view on the question” of her promotion (ibid., 94). Some courts have admitted statistical data concerning the percentage of tenured female faculty as sufficient to make a prima facie case, and others will consider a “hostile environment” in the department (Cooper 1983).

Hostility and disrespectful behavior by a faculty member or members involved in the tenure decision constituted the central complaint of several discrimination lawsuits and were factors in other cases. Some plaintiffs alleged that the hostile treatment toward them was in retaliation for their advocacy on behalf of women. Plaintiffs cited bias in measuring accomplishments, the failure to accommodate pregnancy and infant care, and unequal distribution of assignments and resources as reasons for pursuing legal action. Most disappointed tenure candidates believe that they should have been granted tenure. They embark on the difficult path of pursuing a lawsuit, however, when they believe they were denied tenure for discriminatory reasons.

Methodology

Cases discussed in this article are drawn from the files of the AAUW Educational Foundation Legal Advocacy Fund (LAF). Founded in 1981, LAF is the nation’s largest legal fund focused solely on sex discrimination in higher education. It has helped female students, faculty, employees, and administrators challenge discriminatory practices such as sexual harassment, pay inequity, denial of tenure and promotions, retaliation for complaining about discrimination, and inequality in women’s athletics programs. The case *Zahorik v. Cornell University*, 729 F.2d 85 (2d Cir. 1984) was the impetus for the creation of LAF. Eleven female faculty members and coaches—known as the Cornell 11—brought a complaint of sex discrimination against Cornell University alleging violations of both Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of

1972. To support the plaintiffs, members of the Ithaca, N.Y., branch of AAUW joined forces with a group known as the Friends of the Cornell 11. The Ithaca branch members asked AAUW to bank funds raised in support of the plaintiffs' case, and LAF was born. For further information on LAF, visit the AAUW Web site at www.aauw.org.

The research draws on a variety of public documents regarding the cases, as well as interviews with plaintiffs. The cases are described primarily from the plaintiffs' perspectives, but the defenses articulated by universities and colleges also are presented. No attempt is made to second-guess the courts' decisions. Rather, this article aims at a higher target. What can we learn from these cases about sex discrimination in the academic setting? What can universities learn about their systems and practices of hiring and promotion? And what is the message for policy-makers considering new programs to end sex discrimination in academia and other professional settings?

Case Study: Departures from Normal Procedure

When a department or university violates its usual procedures in a tenure review, the disappointed candidate—and the court—inevitably wonders why. Because tenure decisions involve several different levels of decision-makers and committees, ample opportunity exists for both honest error and impermissible discriminatory behavior. A lack of integrity or consistency in the tenure process itself—for example, the distortion and rejection of positive outside references, the suppression of favorable reviews, or the improper solicitation of external peer reviews—do not by themselves prove that a female professor has been denied tenure based on sex discrimination. They do invite speculation along those lines, however, and in the legal arena ultimately may be sufficient to support an inference of discrimination.

Marcia Falk, a widely published poet, translator, and feminist critic, joined the University of Judaism Department of English in 1984 as an associate professor of literature. She applied for tenure in late 1985. From the outset, procedural questions delayed and complicated Falk's tenure bid, with the evaluating committee and Falk wrangling about the quantity and organization of materials for her tenure dossier. The committee insisted on complete anonymity, so Falk had no opportunity to discuss the process with any committee members. The university's published procedures for tenure and promotion did not require an

anonymous review committee, thus the secrecy around Falk's tenure review was the first of many departures from normal procedure.

Access to information about the evaluation process was an issue throughout Falk's tenure review. The committee refused to let Falk review outside letters of reference, letting her see only a summary report purportedly synthesizing the letters. Pursuant to a request by Falk, investigators from the American Association of University Professors (AAUP) read the original letters as well as the summary and concluded, "One has difficulty recognizing that the letters and the report are discussing the same publications and the same person" (AAUP 1988, 27). For example, the evaluating committee summarized that one reviewer "repeatedly evinces hesitations about the frequent failure of [Falk's] poems to engage." The reviewer's actual letter, while not without qualification, was decidedly more positive:

Her syntax is simple and her language almost ascetically modest. . . . This mode can shade off into the commonplace. For the most part, however, she writes a taut, precise plain style that proves that she is unafraid to be straightforward yet alert to nuance. . . . [Her poems] testify to a lucid intelligence and a solid craftsmanship. She is a poet who will bear watching. . . . I recommend warmly for promotion to full professor. (Ibid.)

In a final procedural anomaly, the university provided no mechanisms for Falk to receive a response to her allegations of sex discrimination in the process. The AAUP report concluded, "The possibility is distinct, although it cannot be determined with certainty, that discrimination based on sex . . . contributed significantly" to the university's rejection of Falk's candidacy (ibid., 28).

Falk and her legal counsel argued that sex discrimination was behind the departures from the normal tenure review process, and the AAUP investigation noted that some administrators expressed a personal dislike for Falk that may have been based on her sex and on her work as a feminist critic teaching in a conservative Jewish university. The university emphatically denied this hypothesis, arguing that other professors also engaged in critical, iconoclastic scholarship.

An investigation by the U.S. Equal Employment Opportunity Commission (EEOC) also identified procedural irregularities in the handling of Falk's tenure application and found reasonable cause to believe that Falk's charge of sex discrimination in the denial of tenure was valid. Falk filed a lawsuit in 1988 and settled her case against the University of Judaism in 1991. Although Falk no longer has a full-time academic appointment, she continues to teach and publish.

Case Study: A similarly situated man is hard to find

A professor applying for tenure is judged in comparison to peers at her university and peers in her specialty at other universities. Such comparisons are at the core of sex discrimination cases. To prove that she has suffered gender discrimination, a plaintiff needs to find a "similarly situated" male colleague to serve as a point of comparison. Plaintiffs can demonstrate discrimination, at least in part, by showing that male candidates with similar or inferior qualifications in teaching, scholarship, or service received promotions, higher pay, or tenure while female candidates did not.

A similarly situated man is hard to find. A plaintiff who builds a case around a comparison with a tenured male colleague must show that the university granted tenure to a professor of comparable or inferior qualifications in roughly the same time period that the plaintiff was denied tenure. Universities typically consider only a few candidates for tenure per year, however, and these candidates are likely to teach in different departments and disciplines with different criteria and measures of success. Candidates in highly specialized areas often have few or no comparable colleagues anywhere undergoing the tenure process at the same time. Because tenure standards have escalated dramatically in the past two decades, the records of colleagues who received tenure under the less rigorous standards of earlier generations cannot be used for comparison.

On paper, making a comparison with a similarly situated male colleague seems straightforward—it is a matter of counting publications, classes taught, and service activities. In practice, however, these comparisons are rarely straightforward. For example, publications can be evaluated differently because the relative quality of journals, book publishers, and other accomplishments is often a matter of debate. A tenure file is somewhat like a Rorschach test, saying as much about the reviewer as the applicant.

Lucinda Miller, a former professor of pharmacy practice, sued the Texas Tech University Health Sciences Center for sex discrimination in the denial of tenure, retaliation when she complained about the discrimination (in violation of Title VII and Texas state laws), and pay inequity in violation of the Equal Pay Act.

In 1997 the Texas Tech School of Pharmacy hired Miller as a professor and vice chair of the pharmacy practice department. The school also hired a female, who would later become Miller's co-plaintiff, as an associate dean. According to Miller, the university assured the new hires that they would be considered for tenure immediately. During the hiring process Miller was told that the institution was prohibited from paying her more than a specified base salary and \$5,000 as an administrative stipend, although she later discovered that other professors were paid more.

During her time at Texas Tech, Miller carried a full teaching load, published several scholarly articles, was the founding editor of a new scholarly journal, and established a clinical program for the School of Pharmacy. She also served on eight committees and chaired five of them. In 1998 Miller and her female colleague submitted tenure applications. Each had written numerous publications and received prestigious recognition. At that time, only one other professor, a male applicant, was eligible for tenure. Despite favorable recommendations and praise from outside reviewers, Miller and her female colleague both were denied tenure, while the male applicant was awarded tenure.

Both women felt they had been unfairly denied tenure. Miller compared her 63 publications in peer-reviewed journals and 84 publications overall to her male colleague's three peer-reviewed publications and 16 publications overall. Miller elaborated that her male colleague's scholarly record was even weaker than these numbers suggest because the bulk of his non-peer-reviewed publications appeared in a monthly column he wrote for *Drug Topics*, which was not considered an academic journal and was not peer reviewed. Miller, in contrast, had published in top-tier medical journals such as the *Archives of Internal Medicine* and the *American Journal of Psychiatry*, which were considered far more prestigious forums, and was primary author of 61 of her publications. Additionally, Miller had published a book, founded a journal, and had a copyright and one patent; her male colleague had none of these accomplishments. In the critical area of research funding and grants, Miller had secured almost \$500,000 in research money.

In response to Miller's EEOC complaint, the university alleged that she had applied for tenure prematurely. The university denied that Miller had been assured an early tenure appointment when she joined the faculty and rejected her tenure application "because she had not yet completed sufficient teaching, clinical practice or research at Texas Tech" when she applied for tenure. The chair questioned Miller's demonstrated teaching excellence and demonstrated excellence in practice or research and asserted that Miller had not attained a national reputation in the field.

Miller and her female colleague alleged that they were subjected to a hostile environment and that procedural irregularities occurred throughout the tenure process. The chair of the tenure committee allegedly informed Faculty Affairs Committee members that the male applicant's tenure application would receive a "smooth highway" but the women's tenure applications would not (*Miller v. Texas Tech*, Complaint, 2000, 7). The work environment was so unbearable for Miller that she resigned in March 1999.

Miller and her colleague filed a joint lawsuit in U.S. District Court in 2000. Faculty and former students came to the aid of both Miller and her female co-plaintiff with affidavits and depositions, and the two women assembled nearly a dozen individuals to serve as expert witnesses. In contrast, the university had not secured a single external expert witness. The university subsequently filed a motion for summary judgment that was denied. Ultimately, Miller and her colleague were allowed to proceed only on their Equal Pay Act claims, with a jury awarding them \$58,000 combined in lost wages in 2006.

Case Study: Pregnancy Discrimination

An academic career can be surprisingly unfriendly to motherhood, pregnancy, and childbirth, in large part because the tenure clock often collides with the biological clock. The typical graduate student attends graduate school for more than seven years and is 33 years old when he or she graduates with a doctorate and enters the job market (Hoffer et al. 2003, 23). This long training period poses a dilemma for aspiring women. Younger female faculty hear stories of trailblazing women who sacrificed children and family for their profession, and a rich lode of anecdote and lore among female academicians suggests the optimal and worst times to give birth. Some academics urge female professors to play biological roulette and postpone childbearing until they have tenure.

Others advise women to try to have children before applying for tenure-track jobs, perhaps initially after completing their dissertations. Still others share stories of promising candidates who they say were denied tenure because of the distraction of babies and child care.

Pregnancy and motherhood affect women's hiring and promotion in academe in direct and indirect ways, and anecdotal evidence suggests that this form of sex discrimination should be monitored more closely. Not only do most women become mothers at some point, but all women of childbearing age can be viewed as potential mothers. Few colleges or universities openly admit to harboring discriminatory intent, and, indeed, as women become more commonplace in academe, they more easily enjoy genuine respect and collegiality from their male peers. A more subtle form of discrimination persists, however, regarding mothers' commitment to serious scholarship. Unspoken assumptions about women and motherhood can cloud the judgment of even well-meaning colleagues.

When political science professor Jill Crystal was denied tenure by the University of Michigan, she alleged pregnancy discrimination and retaliation for demanding her right under the Pregnancy Discrimination Act of 1978 (an amendment to Title VII). Her accusation was multifold. In a report to the grievance review board, Crystal detailed numerous "serious, willful, and multiple violations of procedures and norms at the Department level" that "contaminated" her tenure review (Crystal 1993, 107). She further contended that her tenure denial was part of a general pattern of sex discrimination, which was manifested in a "thread of secrecy and deceit" in the department's tenure reviews for three female candidates, including herself (*ibid.*, 131). Crystal charged that the university essentially held women to a different standard if they were not permitted time off following childbirth.

When she announced her pregnancy in 1990, Crystal discovered that the university did not have a written maternity policy. In practice, the university typically required pregnant women to take off a semester without pay. The *de facto* policy was to encourage women to give birth either during their research leave or over the summer, so that the burden would fall on their research, on which their promotions most heavily depended, rather than their teaching. Without paid leave, Crystal noted, "the burden fell on the women to solve what the University defined as their problem" (*ibid.*, 145). Crystal viewed these acts as a violation

of the Pregnancy Discrimination Act and pursued the matter with the administration. After months of negotiations and discussions, the university offered to allow her to take the fall term off at full pay, an arrangement in conformity with the law and satisfactory to Crystal. Yet Crystal concluded, “I won the battle, but I lost the war” (Ibid., 148). Because she had exercised her right to maternity leave, Crystal believed, the university branded her a troublemaker and, at the first opportunity, fired her.

Crystal’s discussions with other female faculty provide a ground-level view of the direct and indirect obstacles to tenure for mothers. Professors described to Crystal that they made heroic efforts to return to teaching immediately after childbirth (“I . . . came back in 2.5 weeks”), tried to plan pregnancies for the summer (“My . . . chair mentioned something to me about summer being the best time to have a kid”), relied on the personal generosity and flexibility of their departmental colleagues and chairs (“Thanks to the support of my chairperson . . . things worked well for me”), or improvised other solutions (ibid., 143). They found, in one woman’s terms, “informal and individual ways of maneuvering around” the university’s policies (ibid., 144). Crystal reported that several female professors believed that pregnancy had hampered their chances for tenure because they were viewed as less serious about or committed to their careers, limiting their productive research time and service contributions or creating animosity concerning teaching responsibilities.

Crystal filed a lawsuit against the University of Michigan in 1993. A court-ordered mediation panel found in favor of Crystal in 1996, and she was awarded \$100,000. She now teaches at Auburn University.

Case Study: Hostile Work Environment

Work environment can have a profound effect on productivity. Co-authorship and other forms of collaboration between senior and junior faculty are unlikely in a chilly work environment. In a hostile environment, productivity can become impossible. There are many small ways that senior colleagues can help or hinder the progress of junior faculty— from teaching assignments to office space. Although individual acts of sexism or exclusion typically would not constitute sex discrimination, a persistent pattern of exclusion which has professional ramifications can be considered discriminatory.

According to Sonia Goltz and Beth Kern, the University of Notre Dame College of Business was a hostile work environment. The accounting department celebrated a male colleague's birthday with a "boob cake" in the shape of a woman's breast (Fosmoe 1998). When an employee turned down dates with male faculty members, they openly bantered that she "must be a lesbian" (Goltz & Kern 1993, 22). When a couple of women signed up for an athletic team, they discovered the next day that a new sheet had appeared in the faculty mailroom stating, "Any new person, poor player, and all women can sign up for a second team. . . . [T]he primary team would consist of the people who had been playing together prior to the women requesting membership" (ibid., 10). These events were typical of the unprofessional behavior of some male faculty.

Discrimination against female faculty also could be seen in the assignment of teaching responsibilities. Goltz was not assigned to teach graduate courses. Because the college was hoping to establish a doctoral program, this lack of experience with graduate students made her less attractive for promotion to tenure. For Kern, the problem was an unusually heavy teaching load, limiting the time available for research and publications.

Service loads differed as well, and women were "asked to perform service significantly more often than men" were (ibid., 14). Service, while nominally a criterion for tenure, in fact receives scant attention in the evaluation process. Goltz and Kern attributed Notre Dame's increased demands on women for service to the "appearance of a crowd" ploy, where schools ask female faculty—as well as faculty of color—to attend more functions and serve on more committees than their white, male counterparts so that the school can appear to have adequate representation. Since women comprised less than 10 percent of Notre Dame's College of Business faculty, Kern and Goltz were asked to appear at many functions "to present an image of having a substantial number of women on the faculty" (ibid., 15). By the same logic, they were also asked to meet with prospective female faculty in other departments, a simple task that could, in fact, consume many hours and had almost no value in a tenure review (ibid., 16).

In and of itself, any one of these instances would not necessarily constitute sex discrimination. But when an incident becomes part of a pattern of exclusion and when this exclusion has professional ramifications, it constitutes sex discrimination. For Kern and Goltz, the sexist climate and uneven treatment of men and

women led ultimately to two negative tenure reviews and grueling lawsuits. Goltz lost her case at trial; Kern's case resulted in a settlement.

Case Study: Bias Against Women's Studies

As women have entered academia in growing numbers, many are challenging the established curricula in fundamental ways. Since the 1970s, women's studies programs and scholarly journals have proliferated. Some academics appear to be biased against women's studies, however, discounting publications in women's studies journals in their assessment of scholarly productivity. While students have embraced classes in women's studies—and articles on gender have been published in many well-respected scholarly journals—some academics remain skeptical, albeit usually silently.

Women's studies scholars face difficulties in tenure reviews because their work cuts across disciplines and is published in women's studies journals rather than the top-tier journals in the department from which they are seeking tenure. A women's studies scholar based in a history department, for example, may have published her most significant work in a top-tier interdisciplinary journal such as *Signs* or *Feminist Studies* but not in a top-tier history journal such as the *American Historical Review*. This means that colleagues not disposed to women's studies may feel that her scholarship is inadequate for tenure. In *Lynn v. Regents of the University of California*, 656 F.2d 1337, 1343 (9th Cir. 1981) (not an LAF-supported case), the court found, "A disdain for women's issues, and a diminished opinion of those who concentrate on those issues, is evidence of a discriminatory attitude towards women." Plaintiffs supported by LAF have made similar allegations.

Among other allegations, Diana Paul, an Asian American professor of religion who filed a sex and race discrimination case against Stanford University, argued that her colleagues belittled feminist scholarship. The summary of the personnel committee's report on Paul to the dean included disparaging remarks about feminist studies. The department noted that Paul's conclusion in one piece consisted of "feminist ideological declarations" and saw her material on feminism as "appropriate and timely . . . but . . . it does not evidence long-range promise of scholarly distinction." Paul noted that her department's attitude toward feminist studies contrasted with the stated position of Stanford in the faculty handbook on affirmative action, which declared: "The study of race and gender in history...

has moved from the periphery of attention to an important role in understanding the development of society” (*Paul v. Stanford University*, Declaration, Jan. 23, 1986, 40).

Paul recalled that when she applied for tenure, the chair of her department told her that he had recommended against tenure for a professor in the history department because her work focused too heavily on women. The only tenure-track woman in the department competent to teach feminist issues, Paul also shouldered substantial service burdens and extracurricular demands. She chaired a curriculum review panel, the M.A. in feminist studies committee, and the East Asian studies committee and served as a member of the feminist studies committee, in addition to other service responsibilities (*Ibid.*, 39). Paul argued, “The Department not only did not consider my attention to feminist studies an asset, they belittled the field and behaved with hostility towards it” (*Ibid.*, 40).

The judge in Paul’s case found persuasive evidence that Paul would be able to establish a *prima facie* case based on the belittling of women’s studies, women in general, and Japanese women in particular, by senior faculty in decision-making positions. The former chair of the department, the judge concluded, “demonstrated on numerous occasions that he thought of Asian women as playthings, unworthy of professional dignities afforded professors” [*Paul v. Stanford University*, 1986 WL 614, 6 (1986)]. Paul eventually settled her case against Stanford and received \$54,000.

Collegiality

Courts have recognized collegiality (a candidate’s working relationships with other faculty and students) as a valid, nondiscriminatory basis for tenure and promotion decisions. The concept has gained currency in sex discrimination cases since it was first recognized in higher education case law in 1981 in *Mayberry v. Dees*, 663 F.2d 502 (4th Cir. 1981). Among the standards for tenure, the collegiality criterion is the most easily abused. Lack of collegiality can be applied to any candidate whose demeanor, personality, academic interests, or political beliefs clash with those of senior faculty members.

The AAUP recently cautioned that the collegiality criterion lets in through the back door what Title VII shuts out at the front door, namely, a legally valid ratio-

nale for denying tenure to colleagues with unpopular feminist beliefs or those whose gender makes their colleagues uncomfortable. According to Martin Snyder of AAUP, recent collegiality cases “all came down to the same thing. They’re all-male dominated departments that hadn’t tenured a woman in a long time, or ever, and there’s some language about how the woman ‘just doesn’t fit in.’ What comes through is the sense that these are aggressive women who are seen as uppity” (Lewin 2002).

Some women have filed suits contending that collegiality is a smokescreen for denying tenure to women. *Stein v. Kent State University Board of Trustees*, 994 F. Supp. 898, 909 (N.D. Ohio 1998), summarizes the prevailing legal interpretation: “The ability to get along with co-workers, when not a subterfuge for sex discrimination, is a legitimate consideration for tenure decisions.” The trick is to distinguish the valid from the invalid applications of this ambiguous criterion.

Carol Stepien opted to fight back when Case Western University’s all-male tenured biology faculty denied her tenure, a decision supported by the university-wide review committee as well. Unlike other cases in this article, her department did not dispute the quality of her training, scholarship, or research accomplishments because she had been prolific and quite successful in publications and grants. In her view, she had been ensnared and impeded in her tenure bid by a department that had “all the characteristics of an old boys’ club” (Mangels 2001). In this “chilly and hostile work environment,” Stepien alleged, “it was extremely unlikely that I would be able to prepare for a successful tenure review” (Mangels 2000, 14).

The biology department introduced the theme of collegiality in 1994 in Stepien’s annual review, citing two incidents that were characterized as examples of poor collegial interactions and inappropriate behavior. For example, the review described in detail a weeklong class trip to the Bahamas that Stepien had organized and for which she had sought reimbursement for her extra, overnight babysitting expenses of \$315 for her 6-year-old son (Stepien was then a single parent). Stepien had received conflicting information about whether the expenses were reimbursable, so she submitted the receipt. “Instead of simply telling me this wasn’t an allowable expense,” Stepien stated, the department chair “took it up with the senior faculty and then with the Dean’s Office and the provost. . . He presented it to others as if I was trying to deceive in some

way” (Mangels 2000, 15). Her annual review cited the incident as evidence of her alleged confrontational personality.

Stepien received no explanation for her denial of tenure. She appealed the decision to Case Western’s grievance committees before filing an EEOC complaint and, eventually, a lawsuit in federal court in March 2001.

Stepien’s critics felt that she could not get along with colleagues. Her supporters saw gender as central to the friction between Stepien and her department. “There might be a perception,” speculated a former colleague at another school, “that, as a woman, [Stepien] should have a warm and fuzzy personality. She’s not a warm and fuzzy person. Carol has a very strong personality. [But] it’s inappropriate for people to make [tenure] decisions based on that” (Mangels 2000, 22). Another former colleague, who served on both of Stepien’s grievance panels similarly argued that discriminators “don’t realize that often they—men and women—expect women to make them feel comfortable, and [discriminators] don’t expect men to make them feel comfortable.” When women don’t make them feel comfortable, discriminators “register that as being difficult” (ibid., 15). This discomfort around the female colleague can then provoke her annoyance and anger, which in turn compounds the collegiality charge. A sympathetic colleague interpreted the collegiality charge to mean that Stepien “doesn’t do what they want, because she doesn’t step aside” (Smallwood 2001, A15).

Case Western’s grievance panel concluded as much when it found that the department “may not be comfortable with Professor Stepien’s style,” which was “demanding and assertive,” and thus may have “inadvertently engaged in gender discrimination” (Mangels 2000, 17). Stepien settled her lawsuit in May 2002. Today she directs the Lake Erie Center at the University of Toledo and continues to publish and teach in her field.

Payback and Retaliation

Advocacy for women and women’s rights in academia can be as risky as they are necessary. Women often are informally counseled to wait until tenure before “rocking the boat.” The five or six years before the tenure vote, however, can go by slowly for a woman working in a hostile environment, and rocking the boat may be necessary to put a stop to abusive treatment of oneself or others. Female advo-

cates and whistleblowers rarely are thanked by their colleagues, and advocacy and whistle-blowing can lead to more serious consequences, like denial of tenure.

Voicing one's concerns about hostile or harassing behavior is a risky endeavor. In the case of education professor Lynn Ilon, complaints of a male colleague's inappropriate behavior instigated a long battle of retaliation. Her complaint filed with the Niagara County, N.Y., Supreme Court in 2000 summarizes her case. In 1994, Ilon contended that a male colleague sought her complicity in varying the final exam procedure for a female student. When Ilon refused to cooperate, the man continued to pursue the matter, confronting Ilon in such a way that she reported fearing for her physical safety. During the next four years, according to Ilon, the colleague remained hostile. Ilon also alleged that he usurped her work. She felt that he treated her like a subordinate and that his attitude toward her stemmed from her gender. In 1998, four female students told Ilon they were willing to testify about the male colleague's sexual advances. She shared her concerns about his alleged inappropriate behavior to other colleagues, but no action was taken.

Ilon wanted to apply for tenure in February 1999 but withdrew her application when she realized her colleague would deliberate on her application. In March 1999 the university's equal opportunity and affirmative action office advised Ilon to suspend her complaint against her colleague to facilitate her tenure review and to apply for tenure in the 1999–2000 academic year because her colleague would be out of the country. Despite taking these precautions, the university president rejected Ilon's tenure application in September 2000.

To Ilon, her colleague's behavior and her failed tenure bid were clearly related. She argued that her tenure bid was denied as retaliation for her protests against his behavior toward herself and students. She alleged that the university inadequately investigated her complaint against her colleague and took no steps to remedy the situation. From early 1998 until her tenure denial, Ilon's adversary and his colleagues made decisions about her teaching schedule, advisers, and work rules without consulting her. In addition Ilon alleged that the colleague and others had engaged in a months-long smear campaign against her. They portrayed Ilon as "uncooperative and difficult to get along with," attempted to cast her performance in a negative light, and maneuvered her into the "awkward position of working with and supporting [the male col-

league] or appearing uncooperative.” Ilon’s “refusal” to work with him, in turn, was marshaled by the university as evidence of her lack of commitment to the department (*Ilon v. State University of New York SUNY Buffalo*, Complaint, Nov. 27, 2000, 6).

In 2000, Ilon filed a lawsuit in state court alleging, in part, retaliation under state law. As of 2007, the case had ended the discovery (fact-finding) phase of litigation, but a trial date had not been set.

Case Study: Proving Lies and Discrimination

The legal process often involves questions of procedure as well as substance. The phases of a typical sex discrimination case involving tenure include the court’s acceptance of a *prima facie* case presented by the plaintiff (establishing that sufficient evidence exists for the case to be heard), followed by the university’s defense that includes the establishment of a nondiscriminatory reason for its decision. The next step is the plaintiff’s rebuttal. Under the *McDonnell Douglas* analysis, the plaintiff must show that the university’s rationale is, in fact, a lie or pretext to cover discriminatory intent and motive. Alternatively, she can present a mixed-motive case using direct evidence that gender was a motivating factor in the university’s decision. In such a case, sex discrimination does not necessarily have to be the only factor in the university’s decision, but it must be an important factor.

When the plaintiff has demonstrated direct evidence of discrimination, or in a mixed-motive case, and the court has determined that discrimination occurred, a university may be able to limit what it must provide as a remedy for the discrimination. As a practical matter, plaintiffs often allege both pretext and mixed motives at the outset of the case.

As the case below illustrates, the burden of proof for plaintiffs is exacting. Neither proving that the university lied about its stated reason for rejecting the tenure candidate nor demonstrating that the tenure denial was unfair is sufficient. The highly subjective criteria for tenure make it relatively easy for universities to point to unseemly but not illegal reasons for their actions. Faculty on a tenure committee can assert that the candidate was not collegial, which can be permissible grounds for tenure denial, or they can marshal evidence of other biases not rooted in sex to deflect the core charge of sex discrimination.

In a closely watched and influential case dealing with the issue of pretext, Cynthia Fisher eventually lost her lawsuit against Vassar College. Alleging that Vassar had discriminated against her based on her sex, marital status, and age, Fisher prevailed in her first trial, proving to Judge Constance Baker Motley that Fisher was equally if not more qualified for tenure than comparable scholars and using statistics to show that Vassar had a history of not granting tenure to married women.

Vassar countered that Fisher's scholarship did not meet the standards for tenure and tried, unsuccessfully, to introduce its own statistics concerning married women and tenure. Motley agreed that Vassar's reasons for denying Fisher tenure were pretextual: "The termination of plaintiff's employment resulted not from any inadequacy of her performance or qualifications or service, but from the pretextual and bad faith evaluation by Vassar of her qualifications" [*Fisher v. Vassar College*, 852 F. Supp. 1193, (S.D.N.Y. 1994)]. The court ordered Vassar to reinstate Fisher and to pay \$626,000 in damages.

Vassar appealed the federal district court's ruling, arguing that Fisher had failed to undermine Vassar's legitimate reasons for denying her tenure, including negative departmental reports on her originality, scholarship, service, and unique contributions to the biology curriculum. Vassar argued its first appeal in March 1995 before three judges who wrestled with the question of pretext in their ruling, reversing in part and vacating Fisher's district court victory. Citing the Supreme Court's decision in *St. Mary's Honor Center v. Hicks*, 509 U.S. 502 (1993), the court underscored that Fisher had to prove by a "preponderance of evidence" not only that Vassar had dissembled in its rationale for denying her tenure, but also that it was trying specifically to disguise sex discrimination [*Fisher v. Vassar*, 70 F.3d 1420, 1433 (2d Cir. 1995)]. The court wrote that it is, "the plaintiff's burden to demonstrate (a) that the College's explanation for denial of tenure was false and pretextual and (b) that the real reason for denial was discrimination based on either sex or sex plus marriage" (Ibid).

The district court had concluded that the biology department's tenure report on Fisher was pretextual and "made in bad faith . . . and represented the application of patently discriminatory standards" [*Fisher v. Vassar College*, 852 F. Supp. 1193, 1209 (S.D.N.Y. 1994)]. Among other examples, Motley pointed to distortions of Fisher's record in the tenure report to support the conclusion that Vassar

had generated a pretext for denying Fisher tenure. These included a charge that Fisher had not used her sabbatical year wisely for research when in fact she had spent nine months out of that year in a laboratory; collaborated with several different groups of scientists; submitted eight grant proposals, six of which were funded; published one manuscript and written another; and presented papers at national and international meetings. Motley also found that the biology department had distorted Fisher's teaching recommendations by "selectively exclud[ing] favorable ratings and focus[ing] on the two courses in which Dr. Fisher had difficulties" (ibid.).

The appellate judges agreed that Fisher had demonstrated a prima facie case of discrimination and that the lower court had reasonably and without clear error interpreted the tenure material as pretextual. The appellate court emphasized, however, that a prima facie case and the establishment of pretext does not amount to a finding of liability for discrimination and thus disagreed with the district court's interpretation of the weight assigned to pretext, saying, "The finding of pretext here did not alone justify a finding of discrimination" [*Fisher v. Vassar College*, 70 F.3d 1420, 1437 (2d Cir. 1995)]. Quoting *Hicks*, the appellate court reminded the district court, "That the employer's proffered reason is unpersuasive, or even obviously contrived, does not necessarily establish that the plaintiff's proffered reason of race [or sex, in this case] is correct" (Ibid., 1438).

The appellate judges conceded that although "there are cases in which discriminatory intent is the only probable reason for the employer's proffer of a pretextual reason to the court," that was not the situation in this case (ibid., 1437). The court reviewed the evidence relied upon by the district court in its opinion as well as other evidence offered by Fisher at trial and determined that none of the anecdotal evidence supported a finding that Vassar had a policy of discriminating against married women or that Vassar discriminated against Fisher based on her sex. The court also found error in the district court's reliance on the statistics presented by the plaintiff to support a finding of discrimination.

Fisher's attorney requested an en banc hearing (a hearing before the full appellate court). In 1997, the court upheld the earlier appellate ruling and revisited the question of pretext. Defining pretext as "a proffered reason that is not credited by the finder of fact (i.e., the judge)," the en banc opinion clarified that the establishment of pretext, as in the Fisher case, "does not answer the question: pretext for

what?” The court noted that decision-makers may dissemble for “small-minded” but nondiscriminatory reasons such as “back-scratching, ... institutional politics, envy, nepotism, spite, or personal hostility.” While unattractive, these “true” reasons underneath the pretextual façade are not discriminatory per se or, for that matter, impermissible in tenure decisions. “In short, the fact that the proffered reason was false does not necessarily mean that the true motive was the illegal one argued by the plaintiff” [*Fisher v. Vassar*, 114 F.3d 1332, 1337 (2d Cir. 1997)].

The en banc ruling summarized that pretext alone cannot establish the plaintiff’s discrimination case. A finding of pretext may “advance” the plaintiff’s case, if other evidence also suggests discrimination, but it cannot carry the day for the plaintiff unless she shows by a “preponderance of evidence” that the pretext hid discrimination (Ibid., 1333).

Fisher appealed to the U.S. Supreme Court, which refused to hear her case. Today, Fisher is on the faculty at the University of Illinois at Urbana/Champaign.

Aftermath: The Costs and Rewards of Litigation

The odds in sex discrimination cases do not favor plaintiffs. If a sex discrimination case reaches trial, universities win most of the time. Many cases do not reach trial either because they are dropped or resolved during the litigation process. The process of suing a university for sex discrimination can exact a heavy toll on plaintiffs and their families. But, as so many of the LAF-supported plaintiffs found, the process does have intangible rewards that come from doing what one believes is right. And while the legal process can be financially and emotionally draining, it also can empower plaintiffs. Regardless of the outcome, many plaintiffs found that fighting the good fight was worthwhile in and of itself—for themselves and for other women.

Legal Outcomes

A majority of LAF plaintiffs settled their cases out of court. Most settlement agreements include confidentiality clauses that prohibit the plaintiff from discussing the specific terms of the settlement or, in some cases, the details of her suit. In the limited number of LAF-supported cases in which attorneys and plaintiffs could disclose specific information about the settlement terms, some plaintiffs received sizeable financial settlements that included compensation for emotional distress and injury as well as front and back pay and reinstatement or tenure.

The potential costs and rewards of trials differ from those of settlement, both for universities and for plaintiffs. The Civil Rights Act of 1991 gives all plaintiffs litigating under Title VII the right to demand a jury trial. Some lawyers argue that plaintiffs fare better in a jury trial, and the advantages of a jury trial may have grown with the conservative judicial appointments of the 1980s and early 1990s. "Historically, juries have been . . . more sympathetic to employee claims than judges [have]," wrote law professor Martha West (1994, 123). Regardless of the outcome, a trial can generate negative publicity that may roil some faculty, alumni, donors, national organizations, and other constituents.

For many plaintiffs, going to trial presents the best opportunity to publicly disclose their experiences with discrimination, even if they are not victorious. When the University of Kentucky offered biology professor Ricky Hirschhorn a pretrial monetary settlement, she opted for a jury trial so that she could publicly discuss the university's treatment of her and have her day in court. In the end, the jury ruled against Hirschhorn, who lost a subsequent appeal of the case as well. Having one's day in court may be appealing from a psychological standpoint, but a trial is always risky.

Financial Costs

Lawsuits can be time-consuming and expensive, and tenure cases are no exception. Litigation expenses, the most quantifiable and literal cost to the plaintiff, are daunting, especially for untenured academicians who do not enjoy substantial salaries vis-à-vis their peers in business, law, medicine, or other professions. Plaintiffs whose lawyers bill hourly are shocked at how quickly basic research, correspondence, and filing fees can deplete their savings and financial resources. The least costly lawsuit was estimated at \$20,000 for a case that settled out of court. Other cases, including Beth Kern's against the University of Notre Dame, tallied more than \$170,000. Most plaintiffs reported legal expenses between \$50,000 and \$100,000. "Litigation is not for the poor," concluded a plaintiff who found the financial obligations to be "the most daunting. I didn't file suit to make money. . . . To call it frightening is a great understatement. The financial risks are nightmarish."

Plaintiffs fund their lawsuits through a variety of means. Financial support from the LAF usually covers only a small percentage of legal expenses. Some plaintiffs receive financial help from supporters at their university, community organiza-

tions, local businesswomen, or others sympathetic to their cause. For most plaintiffs, the bulk of the money comes from their own and their families' personal reserves and savings. Beth Kern, covered her legal costs of \$170,000 through "self funding [during] a booming stock market." Another plaintiff took out a second mortgage, used savings, and sold family heirlooms on consignment.

A plaintiff's financial distress may encourage her to settle or drop the case entirely. Universities, in contrast, have legal departments versed in university policy and relevant employment law, the financial wherewithal to supplement that counsel with outside support as necessary, and, in many cases, a well-heeled alumni base that might donate to the university's defense. Universities in state systems have the additional legal resources of the state, and all universities with stature in their communities are likely to enjoy informal connections and networks with legislators, legal professionals, and the business community.

The Personal and Professional Price Tag

As high as the financial burden can be for plaintiffs in a sex discrimination case, costs reach far beyond a plaintiff's wallet. Plaintiffs described the legal process as "nightmarish," "a journey to hell and back," and "traumatic." One simply commented, "It has made me sad."

Disappointed tenure applicants have a long way to fall. They move from seeing themselves as competent professionals on the cusp of tenure and lifelong employment to hearing that they are unworthy of tenure and slated for dismissal from the university, usually within one year of the decision. Losing a job can be devastating for anyone, but it is particularly difficult for highly specialized professionals. A professor in medieval literature, for example, would be hard-pressed to find employment in her field outside academia.

Finding a position at another university also can be difficult. News of a tenure denial spreads rapidly in the tightly knit, insular worlds of academic disciplines. Some schools may hesitate to hire someone rejected for tenure by another school—even by a highly ranked university. In today's crowded academic job market, rejected tenure candidates face an uphill battle.

Once a lawsuit is filed, many plaintiffs are labeled "troublemakers" by their small academic community. This label further exacerbates the search for a

new academic appointment. Professors inhabit a small pond in their particular discipline and a smaller pond still in their subspecialty and area of expertise. In some areas, only a handful of professors work on themes of particular interest to the plaintiff. Plaintiffs who pursue other academic jobs may find themselves stymied by negative formal or informal references from the university they sued and their former colleagues.

One plaintiff, Janet Lever, found that being labeled a troublemaker was the most difficult aspect of being a litigant: "It makes getting other academic appointments more difficult. Deans don't trust you, or faculty committees don't waste scarce resources recruiting you when they think you won't get past the dean." Another plaintiff agreed: "The troublemaker label is difficult to deal with. It taints all levels of your professional life at the university, communities, grant proposals, support for projects" and so on. When one's fate rests so squarely in the hands of a few individuals, opting for legal action against one of the big players is essentially opting out of the profession.

In the tightly knit academic community, reverberations of a lawsuit can be painful on a personal as well as professional level. Many professors derive a sense of identity from their work, and many have long-standing friendships from graduate school, conferences, and professional associations. Once a lawsuit is filed, some plaintiffs find themselves pariahs to colleagues with whom, just a few weeks earlier, they had enjoyed amiable professional relationships. For some plaintiffs, the devastation of professional ties and collegiality is one of the most surprising and heartbreaking aspects of their litigation. An anonymous plaintiff stated, "There are people who will not talk to me . . . people who are afraid to talk to me (they've told me so) . . . some clearly find it uncomfortable to be seen talking to me." She noted, as did other plaintiffs, "Friends *outside* the university provide the most support."

Once litigation is under way, the university's defense invariably will include documentation of the plaintiff's shortcomings in scholarship, teaching, or service or negative assessments from her colleagues or external reviewers. The university produces these items to show legitimate, nondiscriminatory reasons for its decision and tries to show the candidate's scholarship and personality in the least favorable light. Of course, a lawsuit is an adversarial action, and institutions can be expected to put their best foot forward by highlighting the

plaintiff's weaknesses. Still, hearing her alleged shortcomings is a notably unpleasant experience for the plaintiff.

In one case, the university argued that the plaintiff's colleagues simply did not like the candidate and did not want to develop a lifelong professional relationship with her. Other plaintiffs read reviews of their scholarly work that contained stinging criticisms or must hear, as one plaintiff did, that a colleague finds their work "shockingly bad." For plaintiffs enmeshed in depositions or a trial, the experience can become a Kafkaesque ordeal of listening to unflattering critiques of their personalities and professional abilities stated for the public record and then elaborated and dissected by legal adversaries. One woman described the process as humiliating.

Suing for sex discrimination in an academic context can be a consuming avocation that affects every aspect of life. One plaintiff summarized: "The toll of pursuing such cases is extraordinary. There are few, if any, women who emerge uncompromised with respect to their health, their financial situation, or their professional life."

Given that a lawsuit can wreak havoc on everything from a plaintiff's self-esteem to her financial outlook, one might conclude that litigation isn't worth it. In retrospect, some plaintiffs say that they regretted their decision to sue.

Intangible Rewards

Yet plaintiffs' cumulative biography is decidedly not a cautionary tale against litigation. To the contrary, litigants often describe two things vividly and simultaneously: the profound challenges and frustrations that a lawsuit can bring and their commitment to the decision nonetheless. In many cases they aver that they would not have done anything differently, even with the benefit of hindsight, and that they have few, if any, regrets about their decision.

Why is this so? Some plaintiffs, of course, reach a favorable resolution through settlement, mediation, or court victories. These plaintiffs conclude that the struggles to achieve resolution are ultimately worth the cost. Even those who do not win the suit or who receive no settlement still report having been transformed positively by the experience as well.

Plaintiffs do not typically interpret their primary motives as personal vindication or desire for financial gain. While these reasons may be important, most plaintiffs see themselves as academic whistleblowers who decide to take action to insist on fairness and justice for women and to change the academic culture. They envision their suit as beneficial for other women and a tool to expose what they perceive to be a discriminatory atmosphere or climate in their university or discipline. Although the triggering incidents differ from person to person, the inspiration to continue with the suit typically comes from a broader commitment to women's rights in the academic community.

Plaintiffs often describe their motivation in the language of justice and a quest to "do what's right." Anna Penk, lead plaintiff in a class-action suit described below, was asked why she would risk an accomplished career for a sticky court battle. "Why are you living?" she responded. "Why do you climb mountains? Why do you dance or listen to music? I feel as long as you're living, there's a lot of work to be done" (Hughes 1983, 3B).

Although citing litigation as "one of the most painful endeavors I have ever undertaken," an anonymous plaintiff also took comfort in having done the right thing by filing suit. Cynthia Fisher, who saw a \$500,000 settlement in her favor reversed on appeal, had no regrets about the lawsuit and "did not go into it expecting to win, and certainly not to win money." She initiated the suit because she and her lawyers felt she had an especially strong case of sex discrimination in academia, including that rarest of creatures—an absolute comparable male candidate whose record Fisher surpassed on most criteria.

Faith in the abstract virtue or rectitude of litigation may seem a small consolation, but it is at the core of many plaintiffs' initial impetus to go public with their case and their stamina through the arduous process. Purely individual goals for settlement, money, or retribution clearly would be insufficient to sustain the momentum through an often years-long legal odyssey against a well-resourced and tenacious university.

Winning in the Court of Public Opinion

Despite these sobering comments, cases can spur significant institutional changes simply by making the public aware of the problem. *Penk v. Oregon State Board of Higher Education* is a case in point. The class-action suit relied

on statistical analysis to show disparities in pay and promotion between men and women. The board countered that sex-neutral factors could account for pay differences and argued that individual institutions within the state education system were the appropriate targets of legal action, not the board. U.S. District Court Judge Helen Frye concluded that no pattern or practice of discrimination existed of which the state higher education board should have been aware. Frye's ruling stunned Oregonians and others who had followed the case. Penk and her colleagues appealed the ruling to the 9th Circuit Court of Appeals and the Supreme Court and lost.

Yet *Penk* was heard in the fabled court of public opinion as well as the courtroom proper. Editorials and op-eds sided with the *Penk* plaintiffs against the state university system. State legislators also were impressed with the evidence heard in the case, and the Oregon Legislature subsequently passed a law against discrimination in the state's institutions of higher education. The case also attracted the attention of California legislators, whose State Assembly Committee on Education held hearings on the tenure review process and its impact on women and minorities.

Publicity in such cases can benefit the plaintiff and female faculty because it gets the attention of legislators, advocates, and other organizations that can work toward long-term safeguards against sex discrimination and improvements in hiring and promotion. Thus, the plaintiff's personal battle is often one catalyst for change in a much longer process for universities.

Restoration

For many plaintiffs, the litigation process *restores* more than it takes away. Plaintiffs already experience one form of powerlessness—personal loss—as well as discrimination when the university makes its adverse employment decision. From this vantage point, the plaintiff's decision to tell her story to a grievance committee, the courts, or to other audiences restores a sense of respect and personal esteem. She imagines that a stance of passive acceptance or silence would be far more personally damaging than all of the challenges of litigation would be. As one plaintiff summarized: "I let [the university] take away my self-respect while I was on its faculty. The litigation process restored it. That is priceless." Plaintiffs report that they gain things in unexpected ways and places through the process of appeal and litigation as well as the introspection that the dismissal

and lawsuit stimulate. Some re-examine their fundamental career and life goals and find new professions and avocations; some gain confidence from pursuing litigation, responding to detractors, dealing honestly with critics of their character and work, and speaking out openly about their experiences; some discover new networks of support and friendship; and some confirm the strength of their families and friendships.

Recommendations

To paraphrase Tolstoy, all happy departments in universities are happy in the same way, but all unhappy departments are unhappy in different ways. We do not hear much about functional, fair, and equitable academic departments because these departments do routine things correctly. They apply policies consistently, deliberate fairly on employment decisions, and take proactive steps to resolve faculty grievances before they ever reach the courts. Unhappy departments and tenure cases, on the other hand, are as variable and complex as the individuals and universities involved.

Plaintiffs supported by the Legal Advocacy Fund describe different triggers for a lawsuit—a hostile letter, inflammatory comments, a violation of tenure procedures, or perceived animus by a senior faculty member or administrator. Plaintiffs sense that they have been treated differently, and worse, than their colleagues. In some cases, the complaint centers around one or two individuals who allegedly used the tenure process to vent their hostility toward female scholars or women’s studies. More subtle, but no less insidious, are the alleged prejudices against mothers as scholars, thinly veiled as “concerns,”—concerns that are rarely or never voiced about fathers. Ultimately, plaintiffs reach the same conclusion: In one form or another they have been discriminated against because of their sex.

A lawsuit should be a last resort. Legal action is an expensive and time-consuming process that can bring public embarrassment to one or both parties. Below we offer recommendations to universities and colleges and to individual academics, drawing on the collective of these cases.

Recommendations for Universities and Colleges

Good employment policy, followed up with good practices, goes a long way. At a minimum, the tenure process should be consistent and clearly articulated. Pro-

cedural lapses create ill will and insecurity among faculty and invite suspicions of discrimination. For example, if the dean can reverse department recommendations, this should be made clear to incoming faculty.

Explore ways to reward faculty for accomplishments throughout their careers. The heavy emphasis on the first five to seven years of an academic career contributes to the burden of work-family balance facing many female faculty. Universities should consider pilot projects exploring alternative paths to tenure. At a minimum, universities and colleges should consider adopting a policy allowing for “time off” the tenure clock for childbirth and parenting. Ensure that this policy fulfills requirements of the Family and Medical Leave Act as well as any state laws regarding pregnancy and the rights of new parents.

Practical steps such as requiring annual written evaluations with explicit performance measures can go a long way toward improving fairness and transparency. Base tenure decisions on concrete, measurable contributions rather than vague or inconsistent characterizations of “strong scholarship” or “excellent service.” For example, scholarly productivity might be quantified within a department by having all faculty, through consensus, clarify the quality and relative weight assigned to publications in particular journals and rank the quality of journals. Universities should provide written policies and procedures to all faculty and prospective employees. Several LAF-supported plaintiffs asserted that promises made to them regarding tenure or promotion were not honored. Documenting all aspects of a job offer can help avoid a “she said, he said” disagreement.

Some of the changes needed at the university/college level fall into the rubric of a change in culture; while it is difficult to quantify cultural changes, these shifts lie at the heart of good human resource practice. For example, universities and colleges should take conflicts of interest in hiring or promotion seriously. As one LAF-supported plaintiff puts it, having a close friend or old adviser on the search committee is the equivalent of “getting the answers before the test.” If strong personal friendships or bonds between a candidate and a search committee member all but pre-select the candidate, that committee member should not be in a sole or influential decision-making position. Universities and colleges should recognize the power of tenured professors over junior faculty and actively watch for abuses. Have a range of consequences for offenders so that punishment will be meted out for all infractions, not just the

most egregious. Several plaintiffs were dismayed that “serial harassers” had been protected throughout their careers, consequences which tacitly sanction their behavior.

Another example of a cultural change is the care taken in communicating with candidates. Universities and colleges should treat disappointed tenure candidates respectfully in all correspondence. A substantial number of LAF-supported plaintiffs reported that the poor handling of their cases, the careless or thoughtless way they were informed about the decision, or the university’s reluctance to explain the decision honestly and diligently became emotionally significant final straws that pushed the plaintiffs further toward litigation. If the faculty and administration have deliberated fairly and with due diligence, they should explain their decision forthrightly and with respect for the disappointed candidate’s dignity and professional contributions. Universities and colleges can provide services to support faculty as they seek new positions so that a tenure denial does not become the end of the rejected candidate’s academic career.

Recommendations for Female Academics

One cannot avoid becoming a victim of sex discrimination, but there are tactics for reducing one’s risk as well as strategies for dealing with discrimination that avoid the financial and emotional costs of litigation. Steps taken before accepting a job as well as during the pretenure years can help women protect themselves against discrimination. Individuals can ask for written information about the university’s promotion and tenure policy, including a description of recent tenure cases. Whenever possible, conduct these conversations by e-mail and save all correspondence.

Before accepting a job, candidates should ask the department chair and other tenured faculty in their departments what kind of record in service, teaching, and scholarship will be needed for tenure. Individuals should request specific examples (e.g., which journals are considered “top tier,” how different accomplishments—books, articles, grants, other honors—are weighed). If a candidate is considering a joint appointment, discuss how the contributions made to both fields will be weighed in the tenure decision. Also bear in mind that there is likely to be a different department chair by the time a candidate is evaluated for tenure, so individuals should consider likely scenarios for succession to department chair and what impact succession may have on the candidate’s position.

Of course, red flags may not appear until an individual is already on the job. There are strategies that can help minimize vulnerability: New faculty should observe and verse themselves in the unofficial practices. This informal culture may or may not correspond clearly to formal, written policies, but it inevitably plays a role in hiring and promotion decisions. Some of your colleagues may also be your friends, but working relationships and job retention may trump friendship if you charge the institution with sex discrimination. Cultivate friends, communities, and colleagues outside your department and outside academia. Should you eventually find yourself in a dispute over salary, promotion, or tenure, these nonacademic sources of support will be especially sustaining and important. Do not expect to be rewarded for doing favors or for “being flexible.” Be a good team player, but document any special favors or concessions in writing. In dire cases, cut your losses early. One plaintiff wishes she had looked for another academic job as soon as she realized how women were treated in her department. In some cases, this may be the best, pre-emptive course of action if you value a long-term academic career, given the difficulties of overcoming the “troublemaker” label once you have sued. By applying for other jobs before a tenure review, you may stand a good chance of getting recommendations and support from the department. Finally, individuals should learn about their rights as an employee under federal and state law. Many sources of information about employee rights are available on the Internet. For example, if you are expecting a child, learn about your rights under the federal Family and Medical Leave Act as well as any related state law.

Ultimately, women may not be able to avoid sex discrimination, and sometimes a lawsuit is the best course of action. If you decide to sue for sex discrimination, carefully document all of the conversations you have and the actions you take, and save written materials that may be relevant to your case. Chronology is important. In some cases, skilled mediators may be able to facilitate negotiations with the university early in the process—before litigation becomes the last resort.

Seek experienced legal counsel. Personal rapport is indeed critical, but it is not enough. To secure the best possible legal counsel, plaintiffs recommend that litigants ask several specific questions, including the following:

- What experience does the lawyer have in both civil rights law and faculty discrimination?
- What is the lawyer’s track record in arguing or trying similar cases?
- Does the lawyer understand academia? One plaintiff comments, “It has

been difficult trying to explain the nuances of tenure and review process” to her counsel.

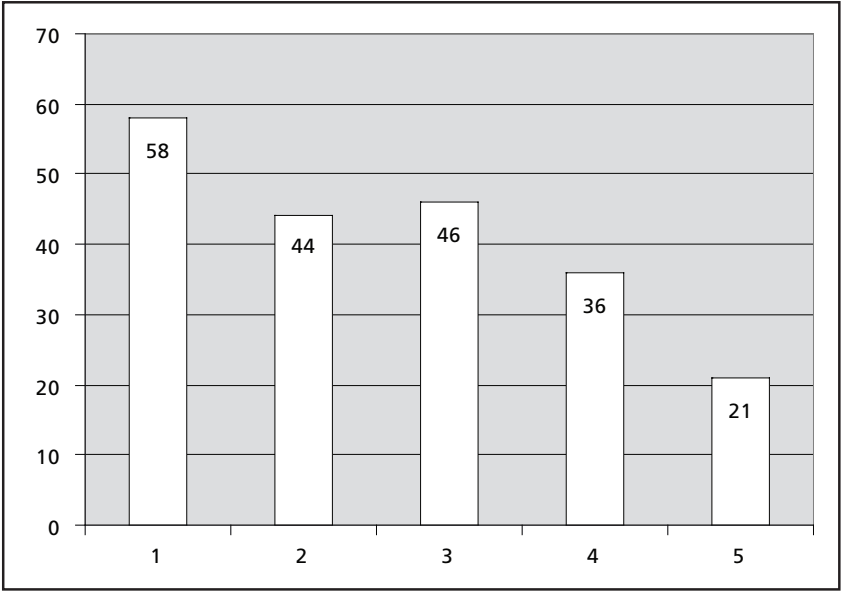
- How does the lawyer assess if a case can be won?
- Does the lawyer ask a lot of meaningful and logical questions about the case? Is she or he engaged in your narrative?
- Does the lawyer have high visibility—which is critical when suing universities that have prominence and deep roots in the community—and a good track record in lawsuits against large institutions?

Individuals should consider *that publicity may help rather than hinder a case*. Although plaintiffs often have a tendency to keep their potential lawsuit as quiet as possible in hopes of an early resolution or in fear that their actions will impede their job search, there are also advantages to going public with the story.

Finally, individuals should not have to go through the process alone. Almost all LAF-supported plaintiffs underscore that they could not have pursued litigation without the unfailing support of family, friends inside and outside the academy, and other communities. Seek support from other organizations, individuals, and groups that understand the tenure process and support female plaintiffs. In addition to the AAUW Educational Foundation Legal Advocacy Fund, plaintiffs in this study sought financial and emotional support from the American Association of University Professors (AAUP), the National Women’s Studies Association (NWSA), local women’s groups, and other organizations. Individuals who would like support for their cases, or would like to contribute to the AAUW Educational Foundation Legal Advocacy Fund, can find more information at www.aauw.org.

APPENDIX

Women are getting the credentials, but not rising through.



- 1. Women as a percentage of those earning bachelor’s degrees (four-year degrees)
- 2. Women as a percentage of those earning doctoral degrees (the credential needed to teach at a university or college)
- 3. Assistant professors (usually not tenured)
- 4. Associate professors (often tenured)
- 5. Full professors (nearly always tenured)

Source for data on faculty: AAUW calculations based on data from U.S. Department of Education, National Center for Education Statistics, Integrated Postsecondary Education System (IPEDS), Fall Staff Survey, as cited in William B. Harvey, *Minorities in Higher Education*, 20th Annual Status Report, 2002-2003, (2003, pp. 90-92)

Note: Data on bachelor’s degrees refer to four-year institutions for the academic year 2001-02. Source: U.S. Department of Education, National Center for Education Statistics. (2003). *Postsecondary Institutions in the United States: Fall 2002, and Degrees and Other Awards Conferred: 2001-02* (NCES 2004-154).

ENDNOTES

¹ As originally enacted, Title VII did not cover faculty members at universities and colleges. Spurred by discrimination in educational institutions' Congress amended Title VII in 1972 to cover faculty at these institutions. Title IX of the Education Amendments of 1972 was also passed to prohibit sex discrimination in education programs or activities receiving federal funds. While most sex discrimination in tenure cases have been filed under Title VII, and this is the primary law discussed throughout this report, Title IX also covers employees of educational institutions.

² Women denied tenure also may claim violations of the Pregnancy Discrimination Act. The Pregnancy Discrimination Act is an amendment to Title VII and prohibits discrimination on the basis of pregnancy, childbirth, and related medical conditions.

³ On limited efforts to apply disparate impact to tenure discrimination cases see the articles by West (1994), and Mahony (1987) and Cooper (1983). Attempts to apply disparate impact in tenure discrimination cases based on sex (or race) include *Campbell v. Ramsay* (1980, *Davis v. Weidner* (1979), and *Scott v. University of Delaware* (1978).

⁴ The Civil Rights Act of 1991 also codified an affirmative defense for employers during the remedy phase. Thus, if an employer can prove that it would not have given tenure to the plaintiff anyway, despite a partial discriminatory motivation, the employer does not have to provide the plaintiff with a remedy.

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Why “Diversity” Should Include “Disability” with Practical Suggestions for Academic Unions

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“...Every time we expanded our civil rights guarantees to include another oppressed minority, America got richer. America is not rich in spite of civil rights. America is rich because of civil rights.” Justin Dart, 1994.

Introduction

Opposing discrimination against people with disabilities¹ and ensuring access for disabled faculty on campus often are omitted from discussions about faculty diversity, but these issues should be part of the mix. For institutions to retain a faculty as diverse as the populations they serve, and for disabled faculty to be able to serve as positive role models for students with disabilities, colleges and universities must achieve physically accessible campuses and create positive social environments for *all* disabilities. This should be considered part of an institution-wide commitment to social justice and equality. The concept of diversity should not be aimed at achieving a static condition but instead should be a process of ever-widening inclusiveness.

Concern about disability rights has been heightened by a series of U.S. Supreme Court decisions dating back to 1999 that restrict or modify the Americans with Disabilities Act (ADA).² Several decisions denied protection from disability discrimination to many people whom the law was intended to protect, and one decision “devastatingly stripped the right of state workers to sue their employers for money damages for violations of Title I of ADA, which prohibits employment discrimination against people with disabilities.”³ Another 2000 decision

denied state employees the right to sue their employers for money damages for age discrimination under the Age Discrimination in Employment Act.⁴

This article describes the work of members of United University Professions' statewide and campus disability committees, which may be useful as a model for faculty at other institutions.⁵ Since the early 1990s, members of the UUP, a public employee union, have worked to preserve and create awareness of disability rights through the development of chapter disability rights and concerns committees. The recognition that some disability issues also must be addressed at the state level led to the establishment of a statewide disability committee. Finally, U.S. Supreme Court decisions led the union to form a human and civil rights committee aimed at defending the rights of state employees under the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Fair Labor Standards Act and other federal laws.

How Many of Us Have Disabilities?

One impediment to assessing the effectiveness of disability-friendly campus policies is the lack of data on college faculty who have disabilities. For example, the UCLA Higher Education Research Institute's 2004 Faculty Survey collected data on gender, race, ethnicity, sexual preference, but had no questions on disability.⁶ The Association of American Medical Colleges also tracks gender, race and ethnicity, yet faculty members with disabilities remain uncoun-⁷

More generally, the 2000 U.S. Census showed that 49.7 million people in the United States age 5 and over have a disability—nearly one in five U.S. residents, or 19 percent.⁸ Of these, 30.6 million were between the ages of 21 and 64; and 57 percent of this group were employed.⁹ As the population ages, more people will acquire disabilities. Everyone has a stake in disability rights.

The collection of disability statistics is in need of reform. In 2004, the National Council on Disability¹⁰ released *Improving Federal Disability Data*,¹¹ a position paper calling on the U.S. Departments of Commerce and Labor to address problems in the collection of disability data, including the need to revise Census questions to reflect the ADA definition of disability. The collection of disability data also reflects unevenness in the willingness of respondents to identify themselves as persons with disabilities.

Disabled People and Employment

A 2004 National Organization on Disability¹²/Harris Survey of Americans with Disabilities¹³ found that only 35 percent of people with disabilities reported being employed full or part time, compared with 78 percent of those who did not have disabilities.

Although 22 percent of employed people with disabilities reported encountering job discrimination in 2004, it was a dramatic drop from the 36 percent who reported encountering discrimination only four years earlier.

The mean earnings in 2000 of year-round, full-time workers ages 16 to 64 with work disabilities was \$33,109 compared with \$43,269 for those without work disabilities.¹⁴ And 72 percent of people with work disabilities had high school diplomas or higher education, and 11 percent had bachelor's or advanced degrees in 2001.¹⁵

Women, Minorities, and Persons with Disabilities in Science and Engineering: 2004, from the National Science Foundation, documents disability employment statistics in science and engineering: People with disabilities comprise 7.8 percent of this group while those without disabilities make up 92.2 percent.¹⁶

Are Disabled People a Minority Group?

"...individuals with disabilities are a discrete and insular minority who have been faced with restrictions and limitations, subjected to a history of purposeful unequal treatment, and relegated to a position of political powerlessness in our society, based on characteristics that are beyond the control of such individuals and resulting from stereotypic assumptions not truly indicative of the individual ability of such individuals to participate in, and contribute to, society..." (Americans with Disabilities Act of 1990).¹⁷

In the past, disability was defined almost exclusively as functional impairment. Since the 1970s, however, there has been increasing recognition that *disability is a product of the interaction between the individual and the environment*. To understand disability requires an understanding of the architectural, institution-

al and attitudinal environment encountered by disabled people. The primary problems for these individuals are bias, prejudice, segregation and discrimination.¹⁸ These problems can only be overcome by changing attitudes, and by laws and policies guaranteeing equal rights to people with disabilities. Public policies reflect the attitudes of society. Inaccessible buildings are constructed and tolerated because laws or customs allow the exclusion of disabled people. Public attitudes restrict opportunity even more than inaccessible facilities do.

In at least two studies, college faculty with disabilities reported both overt discrimination and the failure to provide reasonable accommodations.¹⁹ Medical school faculty with disabilities reported mixed acceptance by peers and supervisors, often accompanied by a tepid institutional commitment to disabled persons.²⁰ In our study of State University of New York faculty, professionals and librarians, we found that 38 people (16.2 percent) felt they had been discriminated against and 26 (11.1 percent) said they had experienced harassment.²¹ Seventy-two (30.8 percent) said there were accommodations, which they did not have, that would enable them to better perform their jobs.

In both studies, fear of disclosing a hidden disability or of being discriminated against because of accommodation requests inhibited people from requesting reasonable accommodations to which they should have been entitled.

Even Before the ADA, Our Union Had Heard From Us

In 1985, the University at Albany hired a young assistant professor with a visual impairment. She needed a “talking” computer, which cost more than the computers provided to her colleagues. Although the university supplemented the department’s funds to buy the computer, this case alerted us to the possibility that if a department thought it might have to pick up the entire cost of some accommodations, even if the actual costs were quite low, the department might be deterred from hiring qualified people. As a result, three disabled union members took our concern to the union along with a recommendation that a central fund be established to help departments cover the cost of reasonable accommodations.

Unions aren’t automatically aware of members’ needs and concerns. Not without effort did labor unions come to support the rights of women and minorities. Unions should advocate for the *rights* and *inclusion* of disabled members, but often disabled members will need to *claim* that backing and advocacy.²²

In the late 1980s, with funding from the New York State/United University Professions (UUP) Joint Labor-Management Affirmative Action Committee, a group was formed to undertake a disability needs-assessment survey of representative SUNY campuses represented by UUP. Questionnaires were mailed to campus “504 coordinators”²³ and 25 individuals were interviewed. Based on that survey, our 1989 recommendations included a matching fund for reasonable accommodations to be monitored over a three-year period.²⁴

UUP sought a matching fund for accommodations in the next contract negotiations with the state, but the state turned it down. However the union did negotiate a joint labor-management program, the Grants for Employees with Disabilities Program, which covers out-of-pocket disability-related expenses incurred for professional work-related projects such as paying for personal assistance needed to attend professional conferences. It does not cover accommodations the campus must provide under the ADA.²⁵

Founding the Chapter Disability Committee

In 1992, UUP Albany chapter president Ivan Steen asked me to represent UUP on a campus task force that would assess the campus to see if it met the new ADA requirements. He offered me the opportunity to organize a disability committee.

A few of us drafted a charge to present to the chapter’s executive board, which accepted it in 1994. (See Appendix A.)

We emphasized that *our disability issues are work-related issues*. Disabled members’ concerns are UUP’s concerns. In a 2000 article in *The Voice*, we said that “having a disability is a particularly important reason to be active in our union. Disability isn’t just an individual matter. We join forces—as do all minorities—not because of our individual conditions, but because ignorance, stigma, political circumstances, and physical barriers deprive us all of rights and opportunities.”²⁶

The Committee’s Work Over the Years

Some important committee responsibilities are to channel communication to the executive board and management, to exchange information among members, and to build solidarity between members and the union. The following examples of our work illustrate these functions.

Shortly after the committee's inception, we were contacted by a woman whose office was on the third floor of an old building with no elevator. She said an elevator was scheduled for installation in two years but that she needed it sooner. Her worsening arthritis made it painful to climb two flights of stairs every day. She told us that her work would suffer if she moved her office away from her department, and her requests through departmental channels had produced no results. She asked whether we could help. I told our chapter president who brought it up at a labor-management meeting. The elevator was installed the next summer.

Snow in Albany is a serious problem and can be especially difficult for people using crutches, canes and wheelchairs. Sometimes, people have been unable to get to their offices because deep snow had not been removed or because plowed snow was piled up, blocking routes or parking lots. In 2001, chapter president Candace Merbler repeatedly brought this concern to labor-management meetings; the union prevailed in getting adequate snow removal procedures in place.

In 1998, at a meeting of the executive board, our chapter president reported that the university administration, which in the past had supported disability concerns, planned to move handicapped parking away from the academic podium as part of a plan to beautify the campus. The academic podium, which is the heart of the campus, consists of 13 academic buildings on a common platform with halls and tunnels connecting classrooms and laboratories, the main library, the science library, the campus center and the performing arts center. Without the union's input, it might have been a long time before we even knew about these plans.

News of the plans shocked the campus disability community. Members of the UUP disability committee joined forces and took leadership roles in an informal coalition to explore options and raise awareness. The coalition collected 1,000 signatures on a petition calling for retention of accessible parking near the podium and met with civil rights and disability rights lawyers to consider options. Although the ADA does not mandate a specific maximum distance from an accessible entrance within which handicapped parking spaces must be located, we discovered that the Parking Consultants Council of the (U.S.) National Parking Association recommended a maximum distance of 100 ft., and the Canadian accessibility guidelines recommended a maximum distance of about 83 ft.²⁷ In response to public outcry, the university's executive vice president presented

the university's plans at several open meetings while the union raised the subject at several labor-management meetings. The campus was abuzz, and, by fall, things had changed. New consultants were hired. The university created a parking and pedestrian issues committee that included two members of the UUP disability committee. Some changes were made, but handicapped parking was saved. The UUP chapter leadership, especially labor relations specialist Gary Ruberti, chapter president Ivan Steen, and members of the disability committee, played an important role in saving it.

Statewide Disability Rights and Concerns Committee Established

The Albany chapter committee had existed only a few years when members requested that a statewide UUP committee be formed to raise awareness of disability issues at delegate assemblies, to sponsor resolutions, make contract recommendations, and coordinate the work of chapter committees. The statewide committee, organized in the mid-1990s as the disability issues committee, in 1996 changed its name to the disability rights and concerns committee. This committee was charged by the UUP executive board “[t]o monitor campus implementation of the Americans with Disabilities Act and to make recommendations regarding disability rights.”²⁸

Statewide Committee Surveys SUNY Campus Implementation of ADA

Responding to its charge, the disability committee surveyed UUP bargaining unit members in 2000. The findings were published in a 2004 report, *Disability Access at SUNY Campuses: 10 Years After the ADA: A Report from United University Professions' Disability Rights and Concerns Committee*, which was based on a survey of 234 members who had disabilities as well as telephone interviews, data from campus accessibility checklists, and written reports from two campuses. To protect anonymity, we omitted questions about gender, race or campus specifics, although this meant that we could not report on those differences. Despite our effort to protect anonymity, we know that some people did not respond to our questionnaire because they feared being identified.

With regard to campus accessibility, we found the general picture on SUNY campuses to be very uneven. There are still a lot of places where it is difficult or impossible for disabled people to access programs or facilities. Unsafe conditions jeopardize everyone and put the university at risk for liability suits; nonetheless,

many unsafe conditions were reported. Barriers exist even on the most accessible campuses; some campuses have many obstacles, even though accessible facilities would benefit almost everyone. Building access may be quite difficult. Some old buildings are inaccessible because nothing has been done to improve them, while other old buildings have been creatively rehabilitated to make them accessible. Despite criticisms, respondents acknowledged that there have been improvements and there is good access to buildings and other locations on many campuses.

With regard to reasonable accommodations, we wrote:

“There is a serious lack of needed accommodations for disabled employees at SUNY. Stinginess in providing job-enhancing accommodations is “penny-wise and pound-foolish” and translates into a loss of productivity to both SUNY and the 72 employees who need them. UUP chapters and their disability committees should strive to educate their campus communities, including supervisors, about the importance of reasonable accommodations. Employees who need accommodations must vigorously request them and UUP chapters and their disability committees should support individuals in their requests for accommodations.”

Discrimination was found on some campuses, but most disabled people gave positive ratings to the “acceptance” of disability by SUNY colleagues, students, supervisors, and administration. On a scale of 1 to 10 (with 10 being the highest level of acceptance), respondents perceived acceptance of disability by the following groups: students, peers, supervisors, and college or university administrators. Peers were rated the highest with an average rating of 7.7 percent and administrators the lowest with an average rating of 6.7 percent.

Additional findings and suggestions are included below in the recommendations section of this article.

The Disability Committee Alerted the Union to a Threat to Public Employees' Rights

In 1999, members of the disability committee learned of a disturbing use of the 11th Amendment by the U.S. Supreme Court. Based on a 1996 court ruling²⁹ that Congress could not override states' 11th amendment immunity from monetary lawsuits under certain laws, the court had dismissed a case for overtime pay brought by employees of the state of Maine because even though the Fair Labor Standards Act made it illegal to deny someone time-and-a-half overtime pay, the state could no longer be sued by a private party.³⁰ We feared that the court's interpretation of the 11th Amendment could be used to deny state employees the right to sue the state employer under several federal laws including the Americans with Disabilities Act. We brought our concern to UUP president William Scheuerman. As a result, in 1999 the UUP executive board created the committee on civil rights and the 11th Amendment, which later became the human and civil rights committee, when it became apparent that judicial threats to our rights were broader than simply 11th Amendment cases. The UUP executive board charged the committee to prepare a report on the impact of recent U. S. Supreme Court decisions on UUP members' rights. The committee also was charged to offer specific policy recommendations. The committee's report, *Restoring the Rights of State Employees: A Report from United University Professions' Human and Civil Rights Committee*, is available online.³¹ The human and civil rights committee continues to monitor threats to the civil rights of public employees, explore options to restore or retain employee rights, and inform the UUP executive board and the membership about the committee's actions.

Recommendations for Campuses and Academic Unions

The following recommendations are based on both our experience and our survey. Some apply more to individual campuses, others to larger entities or both.

Campus Accessibility

"The major problems confronted by people with disabilities can be traced to the restraints imposed by a disabling environment."³²

Overall, we found a very uneven picture when it came to transportation and communication barriers. There were still a lot of places where it was difficult or impossible for disabled people to access programs or facilities. The survey

responses confirmed the need for action based on a systematic professional evaluation of every campus. Highlights of the recommendations include:

- Lobby for systematic funding to evaluate all campus facilities by professional disability-accommodation consultants and for funding to implement the ensuing recommendations.
- Conduct more stringent evaluation of SUNY in terms of latest self-evaluation forms and checklists for 504 compliance from the U.S. Department of Education.
- Represent disability concerns on planning boards for new or renovated buildings, and require that the principles of universal design (see section below) be an integral part in the planning of *all* new university buildings and technological systems.³³
- Ensure that campus meetings are held at accessible locations. Are the meetings accessible to hearing-impaired persons? People with respiratory allergies? Ask them how they could be accommodated. Are other groups excluded by lack of access?

Universal Design

“The design imperative is to provide the necessary means for every person they can possibly serve.”³⁴

Universal design goes *beyond* accommodating disabled people; it requires an approach that promotes equity and social justice by design. The principle of equal environmental adaptations would “level the playing field” by permitting disabled citizens to enjoy benefits commensurate with the advantages given the nondisabled in an unaccommodating environment.³⁵ Also called “inclusive design,” it exceeds ADA standards. It incorporates inclusiveness in the design of everything, and can be applied to the design of landscapes, buildings, computers, the Internet, even tools and appliances. Universal design encompasses the needs of children, aging populations *and* people with disabilities of all kinds.

It is intolerant of anything that defines, distinguishes or segregates individuals on the basis of their capacity and ability.³⁶ Examples include wide doors, flat entrances and door and drawer handles that do not require gripping or twisting to operate. The precedent that “separate is not equal” introduced an approach

that respects all users: “Accessibility features that are a thoughtless add-on after the basic design of a place or a product have a stigmatizing quality not unlike the segregated ‘back of the bus’ practices...once the norm in the United States.”³⁷ The recommendation in this area was to require that the principles of universal design be an integral part of the planning of all new university buildings and technological systems.³⁸

Reasonable Accommodations

“...modification...to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions...includes adjustments to assure that... individual...has rights and privileges...equal to those ...without disabilities.”³⁹

“Without necessary accommodations, faculty members may fail to achieve, let alone excel.”⁴⁰

Not all disabled people require accommodation, but for those who do, it may be essential. Accommodations may modify the physical environment or change the organization of work. Job Accommodation Network data suggest that more than half of all accommodations cost less than \$500.⁴¹

Physical accommodations in our report included ergonomic furniture; air conditioners; TTY; visible fire and smoke alarms; amplifiers/volume adapter for phone; soundproofing rooms; revamping heating, ventilation, and air-conditioning systems; handicapped parking permits; computer adaptations such as special software, roll-ball mouse, left-hand mouse, modifying keyboard tray, arm rest for keyboard, large monitor.

Social or work organization accommodations included readers to check work; moving to a job that required no lifting; moving to a less stressful atmosphere; teaching scheduled in the same building where office is located; shortened workday and flexible scheduling; time off the tenure clock; moving work location because of allergies, speech, or hearing problems; moving to a building with an elevator.

People had problems obtaining accommodations. Seventy-two people (30.8 percent) said there were accommodations, which they did not have, that would enable them to better perform their jobs. Lack of needed accommodations represents a loss of productivity to employers and to the employees who need them. Unfortunately, some people think “reasonable accommodation” is “special treatment,” which they believe is undeserved. Fear of disclosing a hidden disability often prevents people from requesting accommodations.⁴² A senior faculty member at a large campus told us she was afraid to admit she has a disability, and this kept her from requesting handicapped parking, which she needed. Another wrote: “I’m not willing to disclose my emotional [disability] for fear of repercussions.”⁴³ The recommendations were:

- Educate the public about the reasonable accommodations employers are required to provide under ADA. See Job Accommodation Network for more information: <http://www.jan.wvu.edu/>
- Assess whether the campus has adequate and well-publicized procedures for requesting reasonable accommodations. Do they include appeal procedures when requests are denied? Are procedures publicized and available?
- Seek matching funds for more expensive accommodations from university administration if possible.

Attitudes and Behavior Toward People with Disabilities

“[It]...is the attitudes and institutions of the nondisabled, even more than the biological characteristics of the disabled, that turn characteristics into handicaps.”⁴⁴

Most people with disabilities feel there is at least a moderate degree of “acceptance” of disability on SUNY campuses, but 38 (16.2 percent) felt they had been discriminated against, and 26 (11.1 percent) said they had experienced harassment. Discrimination and harassment persist and may occur because of stereotypes and prejudice, because in a competitive environment differences may be exploited, because of lack of knowledge, misunderstanding or other reasons. *Whatever the reason, no level of discrimination and harassment is acceptable.*⁴⁵

The public often ranks disabilities into hierarchies of perceived legitimacy, and these have been reported in several studies.⁴⁶ To some people, only stereotypical conditions such as blindness, deafness, or those requiring the use of a

wheelchair are considered legitimate disabilities. Because of the stigma, people whose disabilities can be hidden often do not disclose them. In our study, 35.7 percent of those with psychiatric and emotional disabilities and 18.2 percent of those with cognitive or learning disabilities *disclosed their disability to no one*. Slightly more than 16 percent said they had been discriminated against during their employment at SUNY. The most frequently reported type of discrimination was in accommodations (9.8 percent) followed by promotion (6 percent) and salary (2.6 percent). Nine of 19 written responses indicated mistreatment by administrators or supervisors. Six said their positions were threatened or that they had been demoted.⁴⁷

Just over 11 percent said they had experienced harassment because of disability. Harassment was reported by 36.4 percent of those with learning disabilities, 36.4 percent of the people with speech disabilities, and 12.8 percent with chronic illnesses. One person whose hearing disability was often the subject of insensitive jokes by colleagues told us about being harassed and then being punished for reporting it.⁴⁸ The recommendations were:

- Demand policies against harassment of persons with disabilities and enforcement of such policies where they exist.
- Educate the public about the less-understood disabilities, especially psychiatric disabilities, learning disabilities, speech and hearing disabilities.
- Make clear the union's commitment to empowering everyone, including those with disabilities, to enjoy a fully productive professional life.
- Challenge insensitive comments and jokes demeaning the ADA or people with disabilities.

Age and Disability

People who become disabled later in life are often poorly prepared to become independent and productive with a disability, but there is much they can learn from the experience of others. These older individuals often experience a sense of personal loss and threat to identity even though disability is a natural part of life and, in a positive climate with a well-designed environment, does not prevent people from continuing to be productive.

It is crucial that people who become disabled later in life regain a sense of purpose by moving beyond negative self-perception and feelings of loss. Middle-aged people with disabilities should not have to cope with inaccessible campus-

es or with being marginalized or ostracized. When colleges provide accessible campuses and reasonable accommodations, and accord disabled persons the respect and dignity due all people, then aging with a disability should be like aging without a disability. Recommendations include:

- Make campuses physically accessible and socially inclusive so that all of us, and all of our students, can participate in campus life.⁴⁹
- Create a mutually supportive disability community that can give members who have disability-related questions access to the experience of other disabled people.

Expenses

“...people with disabilities...have among the...highest out-of-pocket expenses of all population groups.”⁵⁰

Living with a disability usually costs more than living without a disability. Out-of-pocket expenses can include things such as the cost of readers or interpreters, assistive technology, transportation, personal assistance, co-pays for covered medical equipment, prosthetics and drugs, and the full cost of medical expenses that may not be covered by insurance.

More than half (53.4 percent) of the people in our study had disability-related expenses not covered by their health insurance or HMO, but only 15 percent had out-of-pocket expenses for personal assistance necessary to perform their work. More than half of our respondents had out-of-pocket medical expenses; almost 25 percent had annual expenses under \$500, and almost 19 percent had annual expenses over \$500.

The recommendations were to:

- Seek contract coverage for as many medical or disability-related needs as possible. These might include things such as hearing-aid reimbursements and also better coverage of durable medical equipment and dental expenses.
- Seek medical flexible spending account plans; although they don't reimburse medical or disability-related costs, these plans do allow people to shelter more of these expenses from income tax.

A Just Community

*“Our demand for accessible campuses and an end to discrimination is based, not on charity or pity or even humaneness, but on a claim to justice.”*⁵¹

An ideal university maximizes the opportunities and contributions of everyone. As we call for equal opportunity for disabled faculty, we must concentrate no less on the needs and rights of disabled students.⁵²

In 1998, New York’s Task Force on Postsecondary Education and Disabilities developed “a global vision and strategies to enhance access and encourage full participation of individuals with disabilities in postsecondary education.” Its vision:

*“all students with disabilities who have acquired knowledge and skills to benefit from a higher education experience will have full access and opportunity.”*⁵³

Just as race and gender have been reconceptualized by scholars of their respective studies, disability studies should be a part of the “just” academic community to contradict the inadequate and inaccurate conceptualizations of disability that have dominated academic inquiry. Exposure to disability studies provides a view of disability as part of universal human experience. It compares the way disability has been interpreted; the development of the disability community and of social identity; the political results of assigning value to bodies; the history of how disability influences and is influenced by the distribution of resources, power, and status; and how disability affects artistic production.⁵⁴ The “demedicalization” of disability replaces a medical view with a sociopolitical perspective that should become standard in any class about art, literature, history, politics, culture, or anywhere “disability” is mentioned.

There is growing support nationally for disability studies. The Modern Language Association has established a committee on disability issues in the profession, and the MLA’s annual meetings now include sessions on disability studies. For example, the 2008 convention call for papers includes a call from the MLA Children’s Literature Association for papers on Representations of Disability.⁵⁵ The discipline supports three scholarly journals and has been recognized by

academic organizations including the American Historical Association, the American Studies Association, American Speech-Language-Hearing Association, and the Speech Communication Association. Several major academic conferences are now devoted to discussions that center on pedagogical and scholarly research in disability studies, the Society for Disability Studies annual conference being the main one.⁵⁶ Recommendations, then, include:

- Work for campus commitment to a statement of principles for a just community as well as a commitment to providing full access and opportunity to all students with disabilities who have the knowledge and skills to benefit from higher education.
- Demedicalize disability in teaching and all other contexts.
- Support the addition of disability studies courses and promote the establishment of a disability studies major.
- Work for the inclusion of disability in programs that promote diversity.

Role of the Union

Our experience shows that unions can play an important role in promoting disability rights and access. Disability advocacy is needed at all levels. The local chapter committee is essential to remove campus barriers, improve individual working conditions, and build solidarity among disabled members. But the individual campus exists as part of a larger organization, in our case the State University of New York, and university policies and priorities are addressed by the statewide union.

Union advocacy for the rights of disabled members to equal opportunity and full participation in campus and community life is part and parcel of UUP's commitment to all members including other minority groups. As noted earlier, UUP's committee on disability rights and concerns and other union committees have included disability rights in some form as part of their agendas. The human and civil rights committee has monitored court decisions and made recommendations⁵⁷ regarding the results of the Supreme Court's ADA decisions.⁵⁸ The UUP legislation committee's initiatives include endorsing legislation to restore the rights of public employees to sue the state for violations of the ADA.⁵⁹

UUP chapters also can be important in dealing with the day-to-day concerns of individual members. At labor-management meetings, chapter officers can raise issues such as accessibility, snow removal, unsafe traffic conditions as well as campus policy issues. Members of chapter disability committees can

be mutually supportive and communicate about disability concerns to the chapter leadership.⁶⁰

The UUP contract addresses some disability concerns. The joint State-UUP Affirmative Action/Diversity Committee administers the Grants for Employees with Disabilities Program and the Dr. Nuala McGann Drescher Affirmative Action/Diversity Leave Program, which enhances employment opportunities giving preference to minorities, women, employees with disabilities, and Vietnam-era veterans who are preparing for permanent or continuing appointments. The campus grants committee encompasses programmatic committees and provides funding for needs such as making the workplace safer; encouraging and promoting professional development; expanding affirmative action/diversity opportunities for women, Vietnam-era veterans, and minorities; and promoting funding opportunities for employees with disabilities.⁶¹ A provision of the UUP Empire Plan Enhancements, the “Medical Flexible Spending Account Plan,” allows people to put aside pre-tax dollars for medical expenses (including disability-related expenses such as making homes and vehicles accessible). These efforts continue.

One crucial component of the union’s program is the establishment of chapter disability committees where the needs of individual members can become the collective voice of the full membership. A chapter disability committee can show that the union is inclusive and present the chapter in a positive light for its interest in supporting all people who are represented. A chapter disability committee also gets people with disabilities involved in the union. Members of the disability committee also can become delegates or take on other chapter responsibilities. Occasional notes about issues of interest in the chapter newsletter can reach people with disabilities whose union involvement to date has been minimal. Disability committee members can write these notes.

A chapter should recruit members with disabilities. It should reach out to those on campus whose disability-related needs are unmet, especially newly disabled people who need accommodations and may be unaware of accessible facilities and services.

Disability committee representation on the chapter’s executive board provides two-way communication. The board has oversight of committee activities, and it learns about the ADA and about disability-related issues on campus.

The disability committee also can serve as an institutional memory. Disability committees need to be kept functioning and alive *even when nothing seems needed* at the moment. They should remind members of their continuing existence so that they will bring disability-related job concerns to the committee.

Finally, a number of other union-related issues should be noted:

- The union should ensure that campus disaster planning includes plans for people with disabilities, who should be involved in the planning process. See for example the NCD 2005 publication *Saving Lives: Including People with Disabilities in Emergency Planning*, http://www.ncd.gov/newsroom/publications/2005/saving_lives.htm#executive
- The union can help facilitate electronic mailing lists and other forms of electronic communication about campus disability issues. One, for example, came out of the parking dispute at the Albany campus.
- The union should be proactive in getting out news stories. Too often the disability side of issues and events is underreported or trivialized. The union should undertake programs to promote public awareness. For example, a forum could be held recognizing that 2010 will be the 20th anniversary of the ADA.
- The union should urge agencies collecting demographic data on college faculty to include disability in their data instruments.

An institution truly interested in the diversity of its student body and its workforce should place disability high on its list of concerns. Institutions need to find ways to alleviate the physical obstacles and attitudinal challenges that often stand in the way of disabled individuals on campus. Unions should be partners in this effort.

This article records the ways one strong, progressive union has intervened to advance these efforts. We hope the information given here will provide inspiration and support to the efforts of individuals and organizations nationwide to create an accessible academic community for the disabled.

We thank United University Professions past president William Scheuerman and the UUP executive board for their encouragement and leadership, and the UUP

officers and staff for their unflagging support. Our work is still in progress, and we look forward to continuing to work together with our new president, board and officers to strengthen the union and the rights of its members with disabilities.

APPENDIX A

Charge to the Committee on Disability Issues of the Albany Chapter of UUP

Recognizing that issues of employees with disabilities are labor/management concerns, in 1993 the Albany chapter of United University Professions formed an ad hoc committee on disability, composed of UUP members, to assist in the furtherance of these concerns.

The committee is charged to:

- Advise the local chapter of UUP about the Americans with Disabilities Act of 1990 and other relevant federal and state legislation;
- Promote policies consistent with the Americans with Disabilities Act of 1990 including the achievement of reasonable accommodations for UUP members;
- Promote the recruitment, retention, and advancement of persons with disabilities on SUNY campuses;
- Advise the Albany UUP chapter executive committee about the dissemination of information to the UUP chapter membership regarding the needs, rights, and responsibilities of its members with disabilities;
- Serve as consultants, advocates, or in other functions where appropriate, on disability-related issues;
- Cooperate with other disability-related groups to promote the rights and well-being of all persons with disabilities;
- Engage in other UUP or disability-related activities as appropriate.

ENDNOTES

¹ The words “disabled” or “disability” are preferred over “handicapped.” Some disability activists prefer “people with disabilities” but accept “disabled people,” which is used to describe a characteristic rather than an indication of inability. The phrase “the disabled” is not good usage. “Beyond the AP Stylebook.” *Ragged Edge Online*. The Advocado Press. 1992. <http://www.ragged-edge-mag.com/mediacircus/styleguide.htm>, July 11, 2006.)

² For example: *Sutton v. United Air Lines*, 527 U.S. 471; 119 S. Ct. 2139 (1999). ADA protection may be denied to a person whose disability is compensated by mitigating measures such as a prosthetic device; *Toyota Motor Mfg., Inc. v. Williams, Ella*, 534 U.S. 184 (2002), excludes from ADA protection anyone whose work disability doesn’t also limit the employee’s ability to perform tasks central to daily life such as brushing one’s teeth; *Board of Trustees of the University of Alabama v. Garrett*, 531 U.S. 356 (2001), denies state employees the right to monetary suits against their employers for violating Title I of the ADA.

³ National Council on Disability. *Supreme Court Decisions Interpreting the Americans with Disabilities Act*. Updated September 17, 2002. http://www.ncd.gov/newsroom/publications/2002/supremecourt_ada.htm#E (July 14, 2007).

⁴ *Kimel v. Florida Board of Regents*, 528 U.S. 62 (2000), denies state employees the right to monetary suits against their employers for violations of the Age Discrimination in Employment Act.

⁵ United University Professions is the union representing more than 32,000 academic and professional faculty on 29 State University of New York campuses, plus System Administration, Empire State College, and the New York State Theatre Institute. UUP is affiliated with the New York State United Teachers and the American Federation of Teachers, AFL-CIO. For more information about UUP, see <http://www.uupinfo.org/membership/welcome.html>.

⁶ University of California at Los Angeles, Higher Education Research Institute, *2004 Faculty Survey*, http://www.gseis.ucla.edu/heri/PDFs/FAC_survey_2004.pdf (July 16, 2007).

⁷ Annie G. Steinberg et al., "Reasonable Accommodations for Medical Faculty with Disabilities," *JAMA: Journal of the American Medical Association* 288, no. 24 (2002): 3147-54.

⁸ The Center for an Accessible Society, "Disability and the 2000 Census: What Reporters Need to Know," <http://www.accessiblesociety.org/topics/demographics-identity/census2000.htm> (July 19, 2007).

⁹ U.S. Census Bureau, *Facts for Features*, CB02-FF.11, <http://www.census.gov/Press-Release/www/2002/cb02ff11.html> (July 19, 2007).

¹⁰ The National Council on Disability (NCD), established in 1978, is an independent federal agency making recommendations to the president and Congress to enhance the quality of life for all Americans with disabilities and their families. NCD is composed of 15 members appointed by the president and confirmed by the U.S. Senate. <http://www.ncd.gov/brochure.htm>.

¹¹ National Council on Disability, *Improving Federal Disability Data*, <http://www.ncd.gov/newsroom/publications/2004/improvedata.htm> (July 17, 2007).

¹² The National Organization on Disability was founded in 1982. Its mission is "to expand the participation and contribution of America's 54 million men, women, and children with disabilities in all aspects of life." (National Organization on Disability. <http://www.nod.org/index.cfm?fuseaction=page.viewPage&pageID=24> July 14, 2006).

¹³ National Organization on Disability/Harris Survey of Americans with Disabilities <http://www.nod.org/index.cfm?fuseaction=Feature.showFeature&FeatureID=1422>

¹⁴ Current Population Survey, March 2001 supplement, quoted in U.S. Census Bureau. *Facts for Features*, CB02-FF.11, <http://www.census.gov/Press-Release/www/2002/cb02ff11.html> (July 19, 2007).

¹⁵ U.S. Census Bureau. *Facts for Features*.

¹⁶ National Science Foundation, "Employed Bachelor's or Higher Degree Recipients By

Occupation, Sex, Race/Ethnicity, Country of Birth, and Disability Status (2000); *Women, Minorities, and Persons with Disabilities in Science and Engineering*: 2004, online at Lexis-Nexis (July 17, 2007).

¹⁷ *The U.S. Equal Employment Opportunity Commission, Americans with Disabilities Act of 1990, Titles I and V*, <http://www.eeoc.gov/policy/ada.html> (August 25, 2007).

¹⁸ Harlan Hahn, "Civil Rights FOR Disabled Americans: the Foundation of a Political Agenda," Internet publication, n.d., <http://www.independentliving.org/docs4/hahn.html> (accessed July 18, 2002).

¹⁹ The Americans with Disabilities Act was enacted "to establish a clear and comprehensive prohibition of discrimination on the basis of disability." Title I states, among other things, that:

"No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment."

And discrimination includes:

"not making reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless such covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of the business of such covered entity."

²⁰ Steinberg et al., "Reasonable Accommodations."

²¹ Sara D. Knapp, *Disability Access at SUNY Campuses: 10 years After the ADA*, A Report from United University Professions' Disability Rights and Concerns Committee, prepared by Sara D. Knapp, co-chair, UUP Disability Rights and Concerns Committee, April 2004, <http://www.uupinfo.org/reports/disability.pdf>. (July 15, 2006).

²² Unions should unconditionally support ADA purposes, especially: "...to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for... individuals" [with disabilities] (Americans with Disabilities Act of 1990).

²³ Prior to the ADA, the university was required to provide "reasonable accommodations" to people with disabilities under Section 504 of the 1973 Rehabilitation Act. (U.S. Department of Health and Human Services. Office for Civil Rights. "Your Rights Under Section 504 of the Rehabilitation Act." <http://www.hhs.gov/ocr/504.html> (July 1, 2006)

²⁴ Sally Friedman et al., *Disability Needs Assessment of SUNY Campuses* / Sara D. Knapp, project director; prepared by Sally Friedman et al. Funded by New York State/United University Professions, Joint Labor-Management Affirmative Action Committee (Albany, NY: The University at Albany, State University of New York, 1989).

²⁵ State University of New York/United University Professions, Joint Labor-Management Committees, *Grants for Employees with Disabilities Program*, <http://www.uup.lmc.state.ny.us./diversity/disability.html> (July 3, 2006).

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Establishing Effective Mentoring Relationships for Faculty, Especially Across Gender and Ethnicity

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Importance of Mentoring

Few things are more essential to the success of an academic institution than vital faculty members. Vital faculty members are passionately involved in and committed to their work, committed to the goals of the institution, continually developing their teaching and research abilities, and consistently growing in and contributing to their discipline. These characteristics, while highly desirable, cannot be assumed; they must be nurtured over the career continuum. Effective mentoring is a powerful strategy for facilitating faculty vitality. Mentoring can have a positive effect on research productivity, teaching effectiveness, satisfaction and intention to stay, socialization to a profession, promotion and tenure, and salary satisfaction.¹ On the whole, mentoring can be applied to foster a faculty member's success and retention in academe.

Mentoring is particularly important for women and minority faculty, as these faculty continue to be underrepresented throughout the ranks. Although there has been progress, in most instances it has been slight and slow (Tables 1 and 2). Increased representation is more than a matter of time. For example, "although ample numbers of women have entered academic medicine for at least the past 2 decades, the representation of women among full professors was only slightly

higher in 1998 than in 1978.”² Indeed, accounting for independent predictors of advancement, a national study of cohorts of academic medicine faculty confirmed “substantial deficits in academic rank for women.”³ This phenomenon is not limited to academic medicine. There has been a striking lack of progress for women and minority faculty in U. S. doctoral institutions in the past decade. From 1993 to 2004, the percentage of women at the rank of assistant professor increased by only 4 percent (from 37 percent to 41 percent), and the percentage of minorities increased by only 1 percent (from 9 percent to 10 percent). This occurred despite the fact that, in 2004, 45 percent of the doctoral degrees awarded were earned by women and 12 percent were earned by underrepresented minorities.⁴ A similar lack of substantial progress can be seen in the ranks of associate and full professor.

Numerous studies show that women and minority faculty are less likely to be satisfied and successful in academe, and more likely to leave.⁵ A study at one large research university found that women faculty were more than twice as likely than men to leave the institution voluntarily prior to a tenure decision.⁶ Indeed, “at every juncture, women and minorities are more likely than white males to leave the path leading to a senior academic position.”⁷ Contributing to this “leaking pipeline” phenomenon is a host of challenges that women and minority faculty might encounter during their careers. These challenges can include unintended bias, the stress of biculturalism, work-family balance, cultural and social norms about acceptable behavior, and feelings of isolation.

As faculty in higher education become more diverse, institutions must provide mentoring that successfully responds to such challenges. Central to this task is the development of high-quality mentor-mentee relationships. Mindful relationship-development activities are an important facet of any mentoring experience, but are particularly important when mentors and mentees have different backgrounds and perspectives. Currently, white men form the majority in higher faculty ranks, and therefore are most likely to serve as mentors. In contrast, mentees are increasingly likely to be women and minorities, particularly as institutions make concerted efforts toward equity and diversity. The consequence is that a large portion of faculty mentoring relationships will be cross-gender or cross-ethnicity. Strategies for developing effective mentoring relationships—with particular attention to cross-gender and cross-ethnicity relationships—are the focus of this article.

Importance of the Mentor-Mentee Relationship

Attention to developing the mentoring relationship itself is the foundation of any successful mentoring experience. The quality of interaction between mentor and mentee is critical, as a good mentoring relationship enhances mentees' attitudes toward their jobs and careers.⁸ This is a highly desirable outcome for any institution seeking to attract and retain the best faculty.

Another reason to care about the quality of a mentoring relationship is that the relationship is the medium in which the mentee's learning and development takes place. In the context of that relationship—through the personal interaction between mentor and mentee—self-reflection occurs, career goals are set, specific competencies that need to be gained are identified, encouragement is given, challenges are presented, and new opportunities are explored. In short, when the mentor and mentee are interacting well, they can successfully engage in important mentoring activities. In contrast, when the interaction breaks down—e.g., is compromised by misunderstandings, damaging behaviors or attitudes, or a lack of helpful behaviors or attitudes—the goals of mentoring are unlikely to be achieved. An environment must be built and maintained in which both the mentor and mentee can honestly reflect, openly converse, creatively solve problems, and think critically. That environment is the relationship.

Developing effective mentoring relationships can be challenging, particularly across gender and ethnicity. Fortunately, the literature provides helpful strategies. We searched the literature to identify research studies and literature-based writings on the subjects of mentoring in general, mentoring for women and minorities, challenges to the professional success of women and minorities, and the status and experiences of women and minority faculty in academe. From this review, we identified common challenges to professional success and satisfaction that women and minority faculty might experience. We also identified strategies to help mentors and mentees address these challenges and establish effective mentoring relationships. In this article, we synthesize these findings into a single resource. Generally, these strategies are useful for all dyads or mentoring teams. But when mentoring relationships involve women and minorities, concerted mindfulness of these strategies can increase the likelihood of success.

The strategies and challenges described herein are, to some extent, based on generalizations. Not every mentoring relationship that includes a woman or a

member of a minority group will require additional focus on certain strategies. Each person will bring a unique set of circumstances that will shape the mentoring relationship. Nonetheless, there is value in being aware of factors that might uniquely influence the careers of women and minority faculty, as well as strategies that might help them overcome these challenges.

Particularly in the United States, individuals bring *multiple layers* of historical circumstances, culture, religion, and ethnicity to their interactions with others. Thus, it is important not to make assumptions based on first impressions or basic demographic information. Knowing an individual's ethnic or cultural "phenotype" does not necessarily predict the extent to which cultural differences may be present and relevant. For example, an individual of Chinese ancestry whose family has been in the United States from the mid-19th century may share little culturally with a recent immigrant from China. By contrast, members of groups historically excluded from full participation in American society (e.g., African Americans, Native Americans, women, gays and lesbians), though residents of the United States for centuries, may still experience considerable cultural divergence from the majority population because of the history of institutionalized racism, sexism, and homophobia. Mentoring relationships—which of necessity require openness, trust, mutual expectation of fairness and benevolence, and the freedom to express constructive commentary—can be complicated or hindered by cultural differences, expressed or unexpressed.

In order to acknowledge the multiple layers that make up individuals, we use the broad terms "ethnicity" and "culture." In contrast to race (a categorization narrowly defined in terms of ancient continent of origin), ethnicity and culture encompass many characteristics, some of which include language habits, race, and religion.

Strategies for More Effectively Mentoring Women and Minority Faculty

Establish Trust

Trust is a significant factor discussed in the literature on effective mentoring, especially in regard to cross-gender and cross-cultural mentoring relationships.⁹ When the mentor and mentee have a lot in common, they may easily perceive each other as trustworthy and predictable. In a cross-gender or cross-cultural mentoring relationship, discomfort can arise from uncertainty about the other person's culture, experiences, values, and behaviors.¹⁰ The historical distrust between minority and majority group members "serves as a barrier that both must overcome to achieve the degrees of intimacy and trust that are necessary in a productive mentoring relationship."¹¹

In order to establish trust, both the mentor and mentee must strive to learn about and respect each other's perspectives and cultures.¹² People have different perceptions of reality, which have been formed by unique experiences. Thomas (2001) urges mentors not to subscribe to negative stereotypes of minority mentees by withholding support until the mentee proves "worthy of investment." Self-reflection is needed to uncover and address possible unintended bias. Further, as Bowman et al. (1999) emphasize, minority mentees need to meet a nonminority mentor halfway in the relationship. A deeper understanding of each other's worldviews will promote learning and growth for both parties.

Communicate Openly and Often

Thomas (2001) emphasizes that close relationships between mentor and mentee are important in the early career phase, "when [the protégés] needed to build confidence, credibility, and competence...protégés needed to feel connected to their mentors."¹³ Close relationships do not just happen, of course; they require conscious work, developing in large part from quality communication. For some mentoring teams, particularly those that are cross-gender or cross-cultural, communication may not come naturally. Thomas (2001) contends that cross-race relationships can be fragile, and participants may be less willing or less able to discuss sensitive issues. The same can be said of cross-gender relationships.

Open, ongoing discussion between the mentor and mentee about gender, ethnicity, and their corresponding barriers is one way to help bridge the gender and culture gap.¹⁴ Thomas (2001) encourages people to avoid "protective hesitation,"

the inclination to refrain from discussing sensitive issues. He conducted hundreds of case studies during a three-year study of three major corporations. He found that “minorities tend to advance further when their white mentors understand and acknowledge race as a potential barrier,” because the mentors could help mentees deal with the obstacles.¹⁵ Moreover, minorities who advanced to executive positions had “closer, fuller developmental relationships with their mentors” than did minorities who did not advance to executive positions.¹⁶ The latter group had received only instructional mentoring, with less emphasis on the relationship itself.

Two relative strangers rarely are comfortable discussing sensitive topics early in a relationship. As a starting point, the mentor and mentee might focus on safe topics such as the mentee’s professional goals, associations to join, conferences to attend, and the college or university structure. After sufficient trust has been built, mentor-mentee discussions can expand to incorporate other topics, including differences in gender, culture, family circumstances, and generation.

The framework presented above is merely a guide. Conversations will take different shapes depending on the people involved. The mentor and mentee should allow a degree of flexibility in their conversations. The main message is to confront the challenges presented by the particular mentoring relationship. Open and frequent communication is the key to making the relationship more supportive and productive.

Take the Initiative

Encourage Frequent Contact

Mentors may need to take the initiative in starting and maintaining the relationship. Some women and minority faculty may be reticent to proactively seek mentoring, stemming from a concern about being judged as incapable of making it on their own or being perceived as a burden to others. For example, in focus groups conducted at the University of Pennsylvania School of Medicine, several assistant professors reported being reluctant to approach senior colleagues for mentoring.¹⁷ In other work, Goto (1999) asserted that, in general, Asian Americans may be concerned about burdening others and believe the initiative for a developmental relationship will be taken by the more senior person. Even when faculty do seek out mentoring, they may consciously limit the amount of time they spend with their mentors. Mentors can quell possible wor-

ries by assuring their mentees that they are invested in the relationship, learning from it, and committed to their mentees' success.

Facilitate Network Building

One specific way that mentors can take the initiative is by including their mentees in networking opportunities. Networks are a vital part of a faculty member's professional development, as "[s]tandards for professional behaviour and socialization into the profession of university academics are still largely determined by unwritten rules handed down from one generation of scholars to the next."¹⁸ Unwritten rules include such things as which committees are important for advancement and which are not; when it is acceptable to work at home and when it is not; norms with regard to availability to students; and the number of publications expected for promotion when officially there is no specific number.

Unfortunately, research has shown that the networks of women are not as high in quality or as effective as the networks of men. This disparity results in less social capital for women, which acts as a barrier to their productivity and success.¹⁹ Using data from hundreds of interviews with faculty and doctoral candidates at research universities, Kemelgor and Etzkowitz (2001) found that, on the whole, women reported not having access to the informal professional networks available to their male peers. This led to women having more difficulty with establishing research collaborations and securing grants. In a study of tenure-track faculty at a research institution, the "thread running through many of the stories that women told was a sense of disconnectedness. Frequently female faculty were not invited to go out to lunch or drinks after work, or included in other important venues for informal communication."²⁰ Thomas (2001) found that strong networks were a key characteristic of successful minority executives. Unfortunately, his study of cross-race mentoring relationships indicated that black and white men rarely engaged in after-work activities together that would typically promote bonding.²¹ Social events outside of work provide a forum for informal "work talk" and can foster a bond among participants. Absence of collegial support not only can hinder the professional advancement of women and minorities, it may isolate and frustrate them enough to leave academe altogether.

Simple acts on the part of the mentor—inviting the mentee to meetings and events, introducing the mentee to colleagues inside and outside of the department and institution, encouraging the mentee to collaborate with influential

others on projects, and including the mentee in informal social activities—will greatly benefit the mentee professionally. Mentors should consistently take the initiative to include mentees as appropriate situations arise. For mentees with young children, in particular, it is important to make these opportunities “real” by ensuring they occur within normal work time.

Publicly Support the Mentee

Public endorsement of the mentee is vital to increasing the mentee’s confidence to take risks, network, and explore new avenues for personal and professional growth.²² Women and minority mentees may be especially reluctant to tout their own achievements; hence, plentiful outward praise should be given and recorded when deserved. In addition, mentors can teach mentees methods of graceful self-promotion.

See Each Other as Individuals

There are two lenses through which this mentoring strategy must be viewed. First, mentors and mentees must view each other through a group lens: it is important to recognize that there are differences in behaviors, attitudes, and language for different groups (e.g., women and men). There is value in knowing these group differences, because they can unknowingly influence our behaviors and attitudes, and thus affect our relationships. Second, mentors and mentees must view each other through an individual lens: it is important to recognize that just because an individual identifies as a member of a group does *not* mean that individual adheres to the societal expectations for that group, or shares all of the characteristics or behaviors expected of that group. This point, while most easily applied to cross-gender or cross-ethnicity mentoring relationships, holds true for any mentor-mentee situation. For example, two white women in a mentoring relationship should not assume they approach things the same way just because they are of the same gender and ethnicity. In short, it is important that both the mentor and mentee identify each other as individuals and not as representatives of a group, while also remaining aware of group norms that might be coming into play.²³ With both the group and the individual lenses in mind, we have highlighted below a few examples from the literature of how interpersonal styles can vary across groups.

Interpersonal styles vary across gender and ethnicity, although women and minorities are allowed a narrower band of acceptable assertive behaviors.²⁴

Heilman, Wallen, Fuchs, and Tamkins (2004) posit that “the self-assertive and tough, achievement-oriented, agentic behaviors for which men are so positively valued are typically prohibited for women.”²⁵ For example, a white man who speaks boisterously and who firmly delegates responsibilities is seen as showing qualities of authority and leadership, whereas the same behaviors from a woman cause her to be labeled “bitchy” and “unfeminine.” Brinson and Kottler (1993) provide an example of a Native American professor who may be viewed as apathetic about department matters if he acts reserved in a meeting; however, his behavior may be a reflection of his cultural background. Goto (1999) points out the need to understand the silence of an Asian American mentee. She holds that mentors “should learn not to interpret the absence of questions and suggestions to mean that neither problems nor ambitions exist.”²⁶ Goto also notes that it is appropriate for mentors to encourage mentees to adopt more assertive behaviors in situations when those behaviors would benefit the mentee. One should use caution, however, in determining the appropriate situations. In a study by Thomas (2001), one African American who was encouraged to mirror the aggressive style of his white mentor was consequently labeled an “angry black man.” Out of respect for individual differences and the narrower band of acceptable behaviors allowed to women and minorities, simple clarification by the mentor such as “this approach worked for me, but may not work the same for you” would be a good way of providing guidance without assuming the approach is right for the mentee.

A collaborative versus competitive approach is another example of differences in interpersonal styles. The literature suggests that, in general, women operate with a more collaborative approach than men.²⁷ Similarly, some cultures employ a more collaborative approach to tasks than the individualistic, “fend for yourself” approach used by some Americans.²⁸ Given the different approaches, mentors and mentees need to understand their relative views on competition versus collaboration in work situations.

In summary, both mentors and mentees benefit by understanding that gender and cultural background can influence behavior and attitudes. Mentors should implement mentoring strategies that incorporate those values and behaviors. In turn, mentees may need to stretch beyond familiar behaviors to succeed. Mentors can help with this challenge, but should also encourage mentees to seek additional support from successful role models and peer groups who share

common characteristics (e.g., worldview, experience, gender, ethnicity, race).²⁹ Having multiple people to provide guidance and support in a variety of personal and professional areas decreases the chance of a single mentoring relationship proving inadequate.

Create and Respect Appropriate Boundaries

One of the most exciting aspects of being an academic is developing relationships with people who share similar values and passions. It is to be expected that mentors and mentees will enjoy spending time together and conversing. However, perceived risk of sexual involvement and concerns about public image could inhibit a mentoring relationship.³⁰ For the most effective mentoring, the mentor and mentee need to set boundaries on the level of intimacy in the relationship. The goal is to maintain the relationship at an appropriate professional level without stifling the degree of trust and closeness that is needed to facilitate learning and growth. Ragins and McFarlin (1990) suggest that organizations sponsor social events where mentoring pairs can interact comfortably, without as much concern about appearance of sexual involvement. Clawson and Kram (1984) assign the responsibility of managing the closeness of the relationship to both the mentor and mentee, in a quest to find “an appropriate balance of intimacy and distance that facilitates learning, growth, and productivity.”³¹

Once the boundaries are established, it is equally important that they are respected. It is recommended that the mentor and mentee each review their institution’s sexual harassment policy. Sexual harassment is commonly defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical behavior of a sexual nature when such conduct influences employment or academic decisions, interferes with an employee’s work, or creates an intimidating, hostile, or offensive work or learning environment. If a sexual harassment claim is made, it is commonly assumed that the conduct in question cannot be consensual when there is a power differential in the professional relationship.

Recognize the Implications of the Relationship Structure

A power differential based on position is a natural characteristic of most mentoring relationships. This differential needs to be managed thoughtfully, particularly when the mentor is in a position to evaluate the mentee’s professional performance (for example, when the mentor is also the department chair or a member of the promotion committee). Power differentials based on social

power can inhibit the success of women and minority mentees. These differentials may be exacerbated in cross-gender and cross-cultural mentoring relationships because, in many cultures, the power differential between men and women, and between majority and minority members, is maintained through socialization. Unfortunately, power is so historically ingrained in certain societal and structural positions that it often goes unrecognized. Kimmel states that “[w]hile individual men do not feel powerful, power is so deeply woven into their lives that it is most invisible to those who are most empowered.”³² An example of the effects of socialization on our mental models is illustrated by a study of mentors, which showed that women with qualifications that were equivalent to their male counterparts’ viewed themselves as less qualified to be mentors.³³

The effects of socialization also can be seen in how the power of mentors is perceived. A female or minority mentor may be viewed by mentees as less powerful than a white male mentor.³⁴ In a study of undergraduate students, Ekrut and Mokros (1984) found that male students purposefully avoided female faculty role models, and instead chose “high status, powerful male models who could promote their educational or career goals.”³⁵ Other studies similarly suggest that mentees can have trouble accepting a mentor who belongs to a group associated by society with lower status and power.³⁶

The power differential in a mentoring relationship also can affect the assertiveness of mentees who come from a culture that instills a great respect for authority and formality in its members. Cultural norms may lead a mentee to avoid asking questions, to hesitate to participate in informal interactions, and to take on any task assigned, regardless of its feasibility.³⁷

Both parties benefit from being aware of the implications of the mentoring relationship’s structure. Mentors, however, have additional responsibility to seriously reflect on the power that comes with the position and how it affects their interactions with mentees. The existence of power differentials is one reason that having more than one mentor may be beneficial. Both mentors and mentees need to recognize and communicate openly about this issue, distinguishing appropriate positional power from social power ascribed by gender and ethnicity. Together, the pair can ensure that neither positional power nor the illegitimate aspects of power based on socialization, stereotypes, and attributions act as a barrier.

Recognize the Mentee's Potential Challenges to Success

Cultural Taxation

Cultural taxation is represented in the literature as a heavy weight on the shoulders of women and minorities in academe.³⁸ It is defined as “the obligation to show good citizenship toward the institution by serving its needs for ethnic [and gender] representation on committees, or to demonstrate knowledge and commitment to a cultural group, which may even bring accolades to the institution but which is not usually rewarded by the institution on whose behalf the service was performed.”³⁹ Often, women and minority faculty are pressured to represent their gender and ethnicity through committee work, service, and student advising.⁴⁰ Women and minorities are handed the aforementioned tasks under the assumptions that first, they are interested in fulfilling those roles, and second, that they possess a superior knowledge of how to be effective in those roles.⁴¹ Although such roles can be satisfying, they take time away from scholarship and other work essential to one's career advancement. Junior women and minority faculty receive a mixed message when they are subsequently not rewarded in the promotion process for their extra efforts outside of research or educational productivity.⁴²

Cultural taxation should be given serious attention by mentors. According to a male department chair, “[a] mentor has to be somebody who says no for you.... [W]omen and minorities...get asked to do every crappy little job and [accept] pseudo-leadership positions....[S]omeone has to tell you which of those things are worth your time and which are not.”⁴³ Mentors of women and minority mentees should be acutely aware of this implicit “responsibility” and encourage their mentees to strike a thoughtful balance so that professional accomplishment does not suffer.

Feelings of Isolation

Given the dearth of women and minorities occupying senior faculty positions, many faculty lack interaction with role models of the same gender or ethnicity.⁴⁴ It is common for women to feel isolated from collegial networks in their departments, even if there are some women present. This is especially true in the science disciplines, where women's “marginal status and collegial exclusion not only interferes with achieving complex tasks and objectives, but reduces options to deal with adversity.”⁴⁵ The same could be said for underrepresented minority faculty.

In addition, many minorities experience internal conflict, feeling they must yield parts of their cultural identity in order to be accepted into academic society.⁴⁶ Mentors can help by being open to discussion of these issues, purposefully including women and minorities in departmental collegial networks, and working to change the larger system so that a greater number of women and minority faculty are able to advance into senior positions and become mentors and role models.

Biculturalism

Biculturalism results when “individuals learn how to maintain their dominant ethnic culture while increasing an awareness of another cultural set of values and norms.”⁴⁷ Minority faculty need to have both affiliations in order to succeed in the Western model of academe. The ability to be bicultural enables them to function better in the academic environment; however, “[t]he energy required to interpret new situations places subtle pressure on ethnic and racial minority faculty who attempt to gauge appropriate responses and to shift between value structures.”⁴⁸ For example, some minority faculty are from cultures in which public promotion of accomplishments is not a norm, yet the tenure and promotion process requires that faculty make their successes visible.

In general, minority faculty interviewed by Johnsrud and Sadao (1998) viewed biculturalism as a necessary “survival skill,” but one that came at a cost. The faculty “felt that they constantly compromised their cultural values and norms out of deference to Western values...” yet their compromise was not reciprocated, as the majority did not work to understand their “other” perspectives.⁴⁹ Faculty working with mentees from a minority culture should be aware of the energy that functioning biculturally demands, and the frustration that can be associated with the compromise of cultural values. Both mentors and mentees can work to understand and appreciate cultural differences. In the best scenario, the mentoring dyad or team will find ways to leverage those differences to best achieve the mentee’s professional goals.

Unintended Bias

Unintended biases are a function of societally defined norms and are subscribed to subconsciously by many women and men of all cultures. Despite the best efforts of mentors and mentees, unintended biases based on gender, ethnicity, age, and other factors can still exist. Unintended biases are so socially

ingrained that they are often beyond conscious recognition, yet they can affect one's professional development and advancement.

An excellent illustration of how unintended biases are manifested in academe is given by Carnes, Geller, Fine, Sheridan, and Handelsman (2005) in an article on the selection process for the National Institutes of Health (NIH) Director's Pioneer Awards. The authors evaluated the reasons why none of the first nine award recipients were women, despite the NIH's commitment to advancing women in biomedical careers and an adequate number of qualified women applicants. They identified six elements that could have caused unintended bias to affect the selection process: "(1) time pressure placed on evaluators, (2) absence of face-to-face discussion about applicants, (3) ambiguity of performance criteria, given the novelty of the award, combined with an emphasis on subjective assessment of leadership, potential achievements rather than actual accomplishments, and risk taking, (4) emphasis on self-promotion, (5) weight given to letters of recommendation, and (6) the need for finalists to make a formal, in-person presentation in which the individual and not his or her science was the focus of evaluation."⁵⁰

To support some of the elements they identified, Carnes and colleagues cite Martell's (1991) conclusions about assumptions that allow for cognitive efficiency. These assumptions, which are relied on in time pressure situations, can lead to an unintentional bias against women. In the case of the Pioneer Awards, the assumption is that men are better scientists than women. Unintended bias can also be introduced by the language used. Carnes et al. (2005) argue that the emphasis on "risk taking," a term used implicitly in the description of an ideal Pioneer Award applicant, biases the selection process against women: "Although all innovative scientists consistently take calculated risks, being described as a risk taker would generally align with male rather than female or gender-neutral descriptive and prescriptive behaviors."⁵¹

The story changed in the second year of the Pioneer Awards. The NIH "did make a very deliberate attempt to level the playing field" by making appropriate adjustments to the competition process, according to Jeremy Berg, director of the National Institute of General Medical Sciences, who oversaw the competition.⁵² Women and underrepresented minorities were encouraged to apply, only self-nominations were accepted, and the reviewers were trained "on the importance

of looking for the best people with the most exciting ideas.”⁵³ In the second year of the program, six of the 13 recipients were women.

Unintended biases may or may not play a role in the mentoring relationship. It is important for the mentor and mentee to recognize, however, that these biases do exist in a larger context and can have an especially negative impact on the success of women and minorities.

Success as a Barrier

“[A] woman’s success can create new problems for her by instigating her social rejection.”⁵⁴ Heilman and colleagues (2004) found that women who violated stereotype by being successful at traditionally male tasks were perceived as more interpersonally hostile than women who exhibited unclear performance and than men who succeeded at the same tasks. Further, when information about level of performance at a traditionally male task was *not* provided, subjects almost always rated women as less competent and less achievement-oriented than men, as well as less interpersonally hostile. Alternatively, if women conformed to stereotype by being successful at traditionally female or neutral tasks, they were not met with disapproval by subjects. In short, Heilman and colleagues argue that the social disapproval of women who are successful at traditionally male tasks occurs because the women violate stereotype norms. The problem is not so much the fact that the women are successful, as it is that they are successful in nontraditional areas.

Heilman and colleagues (2004) further show that despite a woman’s success, being disliked can be detrimental to her career. Regardless of competence, employees who were portrayed as likable were more highly recommended for higher salaries and special opportunities than were less likable employees. It follows that if successful women in nontraditional settings (e.g., hard sciences and engineering) elicit negative social reactions, then they will be less likely to be recommended for professional advancement and other rewards. These findings substantiate the concept that even if women overcome barriers to achieve success, it is not enough of a buffer to protect them from the effects of gender stereotypes.

The ubiquity of gender stereotypes, erroneous attributions, and the effects of socialization present a quandary for women who strive to advance and find that, for a variety of reasons, their very success is a roadblock. Mentors who recognize

this dilemma will do their best to publicly support the accomplishments of their mentees, while working diligently to dismantle the stereotypes surrounding normative behaviors based on gender.

Commitment to Family

A central issue currently affecting both women and men in academe is how to balance work and family.⁵⁵ Women, however, still tend to take on the majority of family responsibilities, which translates into a hefty obstacle in their professional lives. In a study of department chairs by Yedidia and Bickel (2001), 28 of 36 chairs viewed the traditional gender role of caretaker for children and family as a significant barrier to the professional advancement of women. Time committed to family matters can “often preclude [women] from devoting essential time and energies to achieving milestones that are central to favorable tenure review and promotion, and these roles limit the geographic mobility that is often necessary to advance in the profession.”⁵⁶

The intersection of family and professional responsibilities creates additional obstacles to success for women with children. Many women are of childbearing age during their tenure process. Mason and Goulden (2004b) argue that, “[t]he employment structures of the professions...are configured for the typical male career of the nineteenth century, in which the man in the household was the single breadwinner and the woman was responsible for raising the children. According to this explanation, such rigid employment structures force women to choose between work and family.”⁵⁷ Their studies show that women with children, especially women who have children when in the early stage of their careers, are significantly less likely to achieve tenure, hold regular appointments, and stay in academics. Further, women who achieve tenure or hold fast-track positions make significant tradeoffs in family life, such as remaining single, having fewer children than they desire, or not having children altogether. None of these effects were found for men, and the findings are consistent across disciplines and institutions.⁵⁸

More and more often, the concerns of women faculty about the overlap of family and professional responsibilities are being recognized and accepted as an institutional system issue. Suggested strategies to enhance work-life balance include improved on-site child care in the workplace, flexible hours and leave time, delay of the tenure clock, and scheduling of meetings during more convenient

times for women with child care responsibilities.⁵⁹ Many institutions have already implemented policies related to the tenure clock for all faculty. According to Liu and Mallon (2004), by 2002, “more than three-quarters (92) of U.S. medical schools with tenure systems had ‘tenure-clock-stopping’ policies that allow tenure-eligible faculty members to remain ‘on track’ but to have their probationary period extended.”⁶⁰ To help support mentees in this situation, mentors can advocate for these or alternative strategies to be implemented in the institution.

Beyond policy change, women should be encouraged to use the policies available. They may hesitate to do so out of fear of damaging their careers and being perceived as less committed.⁶¹ Ward and Wolf-Wendell (2004) suggest that such policies must be applied fairly, that policies be extended to men, and that both senior and junior faculty be educated about the use of the policies. Given the considerable challenges that women faculty face in terms of family demands and professional demands, mentors play an important role by helping mentees navigate the way to professional success through a more balanced lifestyle.

Role of Organizational Leaders

Support for mentoring from organizational leaders at all levels is essential, as even a well-intentioned mentoring effort can quickly become expendable when other pressures arise. An institutional mentoring policy can protect against such erosion. This is accomplished by leaders establishing an institution-wide mentoring program and placing the responsibility for and coordination of the program high in the organizational structure. Zachary (2005) succinctly points out the importance of establishing a mentoring infrastructure: “Infrastructure brings organizational mentoring to life. It is indispensable to...implement mentoring coherently, comprehensively, and conscientiously.”⁶² While institutional support for mentoring is essential, it is equally important that the details related to the design and implementation of a mentoring program be decided at the local level. Mentoring programs and the strategies used are most effective when they can be tailored to individual and departmental needs.⁶³

Organizational leaders need to demonstrate their commitment to the mentoring program in tangible ways and hold the program accountable for facilitating faculty success. Serving as mentors themselves is a powerful way for administrators to model the importance of mentoring and demonstrate their vested interest in it. Leaders must make a long-term commitment to ensuring that the mentor-

ing program has effective leadership and any necessary program resources (e.g., staff, space, mentors, rewards, workshop expenses). Linking and coordinating a mentoring program with other existing programs aimed at facilitating faculty success helps to connect mentoring teams with broader resources and to integrate the mentoring program into the institution.

Leaders also should participate in establishing the purpose and goals of the mentoring program. This will ensure alignment of the program's goals with the goals and culture of the larger organization. Perhaps most important, leaders must find ways to enable and reward the time spent by senior faculty on mentoring. Mentoring is increasingly considered a "teaching" task that should be counted, evaluated, and rewarded like other teaching activities. When this is the case, time spent on mentoring and evidence of effectiveness can be included in annual reviews and salary decisions, and in documents for promotion decisions. In addition, organizational leaders could create awards to recognize excellence in faculty mentoring. In sum, it is imperative that organizational leaders at all levels publicly and frequently express the importance of and their support for mentoring.

Conclusion and Implications

We have identified a variety of relationship-enhancing practices applicable to the mentoring of higher education faculty. In describing these practices, we alerted mentors and mentees to some of the challenges that can arise over the course of a mentoring relationship, such as those related to trust, communication, power, and assumptions. We specifically highlighted challenges and strategies that might be relevant to cross-gender or cross-cultural mentoring relationships. Mentoring or being mentored takes effort and carries with it new challenges and responsibilities, but it also can serve as a catalyst for professional and personal growth. Thomas (2001) found that cross-race mentoring relationships allowed mentors and mentees to "explore other kinds of differences, thus broadening the perspectives of both parties."⁶⁴

Institutions that support formal mentoring programs may wish to address some of the topics we discussed as part of a mentor training session or mentor-mentee orientation program. It is in an institution's interest to encourage and train faculty to succeed in the mentoring role, and particularly to increase the pool of mentors available to women and minority mentees. In a study of 275 executives, experience as a mentor or mentee positively predicted future intentions to men-

tor.⁶⁵ This finding highlights the importance of initiating and supporting mentoring relationships in order to perpetuate the cycle of mentoring and spread the mentoring wealth.

Mentoring is more likely to occur, and to be effective, when it is an institutional policy, when it is a rewarded activity, and when a formal institutional mentoring program has been established. A mentoring program can offer many resources to individual mentor-mentee dyads or teams. Such resources include training and recognition for mentors, facilitated access for mentees to other career development activities within the institution, and tools for goal setting and evaluation of the mentee’s progress. In addition, support from organizational leaders is essential. When mentoring is supported and positioned within a larger program, it is more likely to be successful and link tangibly the individual goals of the mentored faculty to the goals of the larger institution.

Table 1. Status of Faculty in U.S. Doctoral Institutions by Gender

	1988		1993		2004	
	Women	Men	Women	Men	Women	Men
Full-time	22%	78	27	73	32	68
Assistant professor	37	63	37	63	41	59
Associate professor	22	78	26	74	32	68
Full professor	9	91	11	89	17	83

Source: U. S. Department of Education, National Center for Education Statistics, 1988, 1993, and 2004 National Study of Postsecondary Faculty.

Table 2. Status of Faculty in U.S. Doctoral Institutions by Race/Ethnicity

	1988		1993		2004	
	URM ^a	Other ^b	URM	Other	URM	Other
Full-time	6%	95	6	94	8	92
Assistant professor	7	93	9	91	10	90
Associate professor	6	95	5	95	8	92
Full professor	4	96	4	96	6	94

SOURCE: U. S. Department of Education, National Center for Education Statistics, 1988, 1993, and 2004 National Study of Postsecondary Faculty.

^a Underrepresented minorities include American Indian/Alaska Native, black/African American, and Hispanic/Latino/Latina for 1993 and 2004, and American Indian, black, and Hispanic for 1988.

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Do Organizational Structures and Strategies Increase Faculty Diversity? A Cultural Analysis

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Despite efforts at the federal, state, and institutional levels over the past several decades, the number of faculty of color at universities remains unrepresentative of the general population. In 1992, for example, African Americans accounted for 4.9 percent of all faculty. Twelve years later, in 2004, they accounted for 5.9 percent of all faculty.¹ Many institutions have implemented a variety of measures to try to increase the representation of faculty of color on their campuses. However, most actions, such as hiring a chief diversity officer or incorporating a focus on diversity into the institutional mission statement, are mere structural changes and do little to transform the institutional culture. Despite some isolated successes, the data indicate that progress has been slow.

In this article, we examine the recruitment and retention practices of underrepresented faculty of color at 18 postsecondary institutions across the United States. We focus specifically on African American and Latino² faculty, as these two groups comprise the largest populations of people of color in the United States, yet remain severely underrepresented in academe. In general, one of two stances has been taken with regard to this underrepresentation. On the one hand, some will argue that there are simply not enough minority faculty in the labor pool; this argument assumes that the lack of diversity on a campus is essentially a waiting game—at some point, enough people of color will enter the pool and the problem

will be resolved. On the other hand, some suggest that a particular structural change is necessary; they believe, for example, that if an institution hires a chief diversity officer, significant strides will be made toward achieving equity.

Both assumptions have some validity. A review of graduate students in the pipeline, especially in engineering and the sciences, underscores that more students of color are needed to increase the size of the labor pool. Hiring a chief diversity officer may provide the impetus and leadership to increase diversity on campus. However, in this article, we take issue with both assumptions and instead suggest that improving diversity on campus is largely a cultural issue that necessitates a commitment by multiple constituencies over a sustained period of time. We think of culture as the shared assumptions and interpretations of an organization's constituents that are formed over a long period of time.³ Rather than a singular structural act—hiring a diversity officer—a cultural response assumes that organizational effectiveness occurs through a myriad of actions on a daily and long-term basis. In this light, simply waiting until the labor pool increases, or arguing that a structural or strategic change is a magic bullet, is insufficient.

We begin with a review of the literature, exploring the various barriers that institutions face in recruiting and retaining a diverse faculty, and discuss strategies that institutions have adopted to combat this deficit. We provide data from the National Study of Postsecondary Faculty (NSOPF), which indicate that across institutional types and disciplines, White males continue to dominate postsecondary faculties. We then consider the organizational characteristics and practices of 18 institutions that have had varying degrees of success in recruiting and retaining faculty of color. We ask what accounts for different rates of success in these institutions. The majority of the institutions have implemented a series of initiatives to promote diversity on campus; some have seen an increase in faculty of color, whereas others have not. As we will highlight, among the institutions we have analyzed, no strategy has emerged as the best to improve diversity. Accordingly, we suggest that increasing diversity on a campus is based less on a structural response, such as creating a particular office or expecting leadership from a particular individual—often a college president—and is more about organizational culture that promotes diversity over a sustained period of time.

Recruiting and Retaining a Diverse Faculty

Colleges and universities trying to diversify their campuses face two obvious, and related, challenges. First, administrators and faculty must contend with recruiting faculty of color to the campus. The second task is to ensure that faculty stay and prosper. Although individuals acknowledge that recruitment and retention are key activities, more often than not they appear unrelated on many campuses. Accordingly, we first review the challenges that institutions face in recruiting and retaining faculty of color. We then discuss a variety of strategies that institutions have implemented in efforts to overcome these obstacles.

Challenges in Recruitment

As noted, faculty of color represent a small percentage of those employed in universities. As several scholars suggest,⁴ this low percentage is due in part to similarly low numbers of African Americans and Latinos in doctoral programs. Often referred to as a “pipeline problem,” universities are simply not producing enough graduates of color to meet the needs of campuses. However, many Ph.D.s of color choose to avoid the isolation that often accompanies being one of the few faculty of color on campus and opt for careers outside academe, which are frequently better compensated and friendlier to diverse populations.⁵ As we will suggest, such a perception is a cultural interpretation more than a structural problem. The result, however, is that those in universities will argue that they are left with an even smaller pool of candidates from which to choose.

Institutions cannot point to a low number of candidates as the simple causal explanation for a lack of diversity. The recruitment process itself is fraught with difficulties. Recruitment is frequently a highly decentralized process, occurring primarily at the department level.⁶ As a result, while one department may have a goal of increasing faculty diversity, the department down the hall may have no interest in such an undertaking. In addition, many faculty searches are conducted with curricular needs in mind. Departments seek to hire faculty who can teach particular courses. If a department simply hires faculty to replace departing professors, the result is replication, rather than transformation.⁷ Organizational cultures, however, are dynamic—they change constantly and are reinterpreted based on the perceptions of the membership. If a culture simply seeks to replicate itself, then the recruitment of new members is made that much more difficult. In the 21st century, institutions also have to account for more than just the potential faculty candidate. Many individuals are part of dual-career couples

who seek employment for their partners as a stipulation of hire.⁸ Smaller institutions or those in rural areas may not always have the resources to be able to accommodate both partners, thereby losing a potential hire.

Challenges in Retention

Hiring faculty of color is only half of the challenge. Keeping them has proven to be difficult. For example, in their study of 28 colleges and universities in California, Alma Clayton-Pedersen and her colleagues (2007) found that 58 percent of new underrepresented minority faculty hires served to replace departing faculty of color. In other words, only two out of five new faculty of color increased the racial diversity of their campuses. What accounts for the high departure rates of faculty of color? Some⁹ argue that faculty of color may find the university to have a “chilly climate,” or an environment that punishes those who deviate from the norm. Those who do not conform may be punished through social isolation, overt and covert bias, and, for some, denial of tenure.¹⁰ Many faculty also point to the challenges of being among the few faculty of color on their campuses. Not only do some feel isolated as a result of being the sole face of color in an otherwise White department, but many also feel as if they are under a spotlight as representatives of their race.¹¹ Again, such obstacles to retaining faculty of color highlight how individuals perceive the culture of their organization. In addition, many faculty of color often find themselves serving on campus committees and fulfilling service requirements that are devalued in the tenure process. Due to these conditions, many faculty of color leave their campuses in search of friendlier environments.

One particular challenge for any campus is to recognize that recruitment and retention are linked activities. An individual starts becoming socialized to an institution as soon as he or she sets foot on campus, if not before, via Web sites and other informational materials. As we elaborate below, far too often institutions look at hiring as an instrumental activity and do not have it embedded into the cultural fabric of the institution. An institution that is successful in recruiting and retaining faculty of color is one that puts less emphasis on a cookbook of actions and more emphasis on incorporating a comprehensive approach that seeks to reorient the organization’s culture. In other words, attracting and retaining faculty of color depends less on an instrumental activity and more on the myriad of activities necessary to change the culture of the organization.

Strategies to Increase Recruitment and Retention

In general, campuses have employed four primary strategies to diversify the faculty based on their assumptions on what makes a difference.

Discourse as a strategy. Some argue that institutional documents should reflect a commitment to diversity. In particular, the institutional mission statement should make explicit mention of diversity.¹² From this perspective, the mission statement is not merely a rhetorical device; rather, it serves to direct the actions of an institution at all levels. As Clayton-Pedersen and colleagues (2007) found, including diversity in the mission statement facilitates its implementation:

When an institution's mission [was] explicitly connected to and reinforced a comprehensive approach to diversity, campus constituents were more likely to view diversity as part of the overall educational enterprise and less likely to see it strictly in terms of numbers of students, faculty, and staff or a narrow set of programs. (p. 46)

Integrating diversity into the mission statement may transform diversity efforts from an emphasis on increasing numbers of people of color to a focus on creating an inclusive campus culture.

Leadership as a strategy. Larry Rowley, Sylvia Hurtado, and Luis Ponjuan (2002) found that strong institutional leadership is more important than the presence of diversity in a mission statement. From this perspective, although mission statements are important, what matters is the effectiveness of those charged with putting plans into action. Presidents and provosts, many argue, play a critical role in determining the importance of efforts to diversify the faculty.¹³ As Damon Williams, Joseph Berger, and Shederick McClendon (2005) suggest, senior administrators set the tone for communicating the importance of diversity and attracting the necessary resources to implement diversity action plans. Marjorie Knowles and Bernard Harleston (1997) found in their study of 11 research universities that institutions that were most successful in diversifying the faculty were those whose leaders had stressed a commitment to diversity and had taken specific actions to demonstrate this commitment. In other words, it is not enough for presidents to verbalize their commitment to diversity; they must act upon their commitment. In addition to the support of senior leaders,

diversity efforts also depend on the support of deans and department chairs.¹⁴ Although presidents may promote diversity as a value of the institution, they rely on the support of midlevel administrators to translate rhetoric into action.

Administrative positions as a strategy. An increasing number of institutions have created a senior leadership position to address diversity on campus. Often referred to as chief diversity officers (CDOs), these positions range from executive level appointments at the provost or vice president level to midlevel staff members who direct campus centers on diversity. In general, these administrators address a range of issues, including how to improve search processes, how diversity might be highlighted on campus, and what sorts of activities are needed to aid underrepresented students, staff and faculty. However, as Williams, Berger, and McClendon (2005) caution, to bring about transformational change, the chief diversity officer must be empowered to act upon a range of initiatives to help create a campus that is welcoming for all. Although any chief diversity officer promotes diversity on campus, those in executive level positions usually have access to greater influence for two reasons. First, by creating a senior-level administrative position, the president sends a message that diversity is of high concern to the campus community. Second, the senior-level chief diversity officer presumably has direct access to the president and provost, and can serve to infuse diversity into discussions about a range of topics, from budget allocations to long-range planning.¹⁵ The effectiveness of a CDO often depends on an institution's willingness to change. For example, a CDO might implement training for faculty search committees, but if faculty or other senior-level administrators are resistant to altering current practices, such workshops will do little to change the campus culture.

Incentives as a strategy. Many institutions offer a fund for departments to hire underrepresented faculty, such as women in the sciences or faculty of color.¹⁶ Knowles and Harleston (1997) describe one institution that provides full support for faculty of color during the entire pretenure period. For some departments, these funds provide a means for extending job offers to faculty of color. Although these funds are a critical way to increase diversity on campus, some view "diversity hires" as less qualified than others for faculty positions. While institutions might use these incentives to increase the representation of faculty of color, they need to also take steps to dispel such myths, which ultimately can create a hostile climate for all faculty of color.

Some institutions also use diversity indicators in their job descriptions to attract a more diverse applicant pool.¹⁷ For example, a department might advertise for candidates with experience working with diverse groups of students, which might draw a different type of applicant than other searches. Finally, some institutions also mentor current graduate students of color with the goal of recruiting them to faculty positions.¹⁸ In their study of faculty searches at three Association of American Universities (AAU) institutions over a three-year period, Daryl Smith and colleagues (2004) found that 71 percent of underrepresented faculty of color were hired either due to a special hiring intervention or because of a diversity indicator in the job description. Without these interventions, the authors suggest, the number of faculty of color in higher education would be even lower.

Although each of the strategies identified above are offered as ways to increase the representation of faculty of color on campuses, the evidence does not establish that any one practice has been particularly effective, or has been more effective than another strategy. Our point here is not that a certain strategy is useless, but that too often a campus adopts one strategy with the hope that a singular action will succeed. Instead, we suggest that to improve diversity on campus requires more than a singular strategy. The problem is not that a structural part of the organization is missing or not functioning; instead, the challenge is that the organization's culture is not geared toward comprehensive reform and reinterpretation. Thus, rather than simply implementing piecemeal programs, institutions need to develop a comprehensive approach and engage in constant evaluation to determine the success of their efforts.¹⁹

National Trends: An Overview of the NSOPF Data

We utilize the National Study of Postsecondary Faculty (NSOPF) data from 1999 and 2004 to provide a portrait of the faculty at colleges and universities in the United States. The NSOPF 2004 is based on a sample of 1,080 public and private nonprofit institutions, and includes a sample of 35,000 instructional faculty and staff. We used the NSOPF categories to compare the racial diversity across a variety of institutional types and disciplines. As the data indicate, there has been some progress, albeit limited, in efforts to diversify the faculty.

Racial Diversity by Institutional Type

There are approximately 630,000 full-time faculty members across all institutions in the United States. Of these, approximately 506,000 (or 80.3 percent)

are White; 36,000 (5.8 percent) are African American; 21,000 (3.4 percent) are Latino; 58,000 (9.2 percent) are Asian American, and 8,000 (1.2 percent) are American Indian. As indicated in Table 1, Whites are the majority across all institutions, accounting for 78.7 percent of the faculty at doctoral-granting institutions, 80.5 percent at master's-granting institutions, 85.7 percent at baccalaureate-granting institutions, and 80.7 percent at two-year institutions. Though Asian Americans are the next highest-represented racial group, they tend to be concentrated in doctoral-granting institutions. Asian Americans account for 12.9 percent of all faculty at doctoral-granting institutions, but only 4.4 percent of faculty at two-year colleges. Asian Americans made robust gains between 1999 and 2004, increasing their representation in the professoriate by 50 percent.²⁰

Together, American Indians, African Americans and Latinos account for just 10.4 percent of full-time faculty across all institutional types. Unlike Asian Americans, members of all three groups are more likely to teach at less prestigious institutions. For example, 4.4 percent of the faculty at doctoral-granting institutions are African American, but 6.9 percent and 7.4 percent of faculty at baccalaureate-granting institutions and community colleges, respectively, are African American. Similarly, 3 percent of faculty at doctoral-granting institutions, but 5.7 percent of faculty at community colleges, are Latino. Finally, the percentage of full-time African American and Latino faculty increased little between 1999 and 2004. African American representation went from 5.2 percent to 5.8 percent, while Latino representation increased by one-tenth of one percentage point, from 3.3 percent to 3.4 percent. Although one might argue that five years is not enough time to see appreciable change, the significant gains made by Asian Americans during the same period refute that argument. Is such a microscopic increase for Latinos and African Americans sufficient? Our response is that—although we do not make claims that specific percentages need to be achieved each year, or even that proportional representation needs to be achieved—such a small increase shortchanges the academy if diversity is important. Indeed, if the rate of change were to stay the same for Latino faculty and the Asian/Pacific Islander faculty were to hold constant, in 50 years Latinos would still make up fewer than half that of their Asian/Pacific Islander faculty counterparts.

Table 1: Racial and Ethnic Diversity of Full-Time Faculty by Institutional Type

	American Indian (%)	Asian/Pacific Islander (%)	African American (%)	Latino (%)	White (%)
2004					
All Institutions	1.2	9.2	5.8	3.4	80.3
Doctoral-Granting	1.0	12.9	4.4	3.0	78.7
Masters-Granting	1.5	7.0	7.8	3.2	80.5
Baccalaureate-Granting	1.2	4.1	6.9	2.2	85.7
Associates-Granting	1.7	4.4	7.4	5.7	80.7
1999					
All Institutions	0.7	6.4	5.2	3.3	84.5
Doctoral-Granting	0.7	8.8	3.8	3.4	83.4
Masters-Granting	0.5	5.0	5.9	2.8	85.8
Baccalaureate-Granting	1.5	3.1	8.3	2.0	85.1
Associates-Granting	0.8	3.6	6.6	4.8	84.3

Racial Diversity by Select Disciplines

Without exception, Whites compose the majority of faculty in all disciplines, from a low of 70.9 percent of faculty in engineering, to a high of 87.8 percent of faculty in agriculture and home economics. Although Asian Americans compose 9.2 percent of faculty across disciplines, they account for 20.1 percent of faculty within engineering and 14.6 percent of faculty in the natural sciences. African Americans are most highly represented in the social sciences and education, comprising 8 percent of the faculty in each discipline. Latinos comprise 3.4 percent of faculty in all disciplines, but have a significantly greater presence in education (4.7 percent) and the humanities (5.1 percent). American Indians’ representation across disciplines ranges from a low of 0.7 percent in the natural sciences to a high of 2 percent in education.

Although African Americans and Latinos continue to be underrepresented across disciplines, both groups made gains in a few areas between 1999 and 2004. For example, African American representation in engineering increased from 2.2 per-

cent of all faculty in 1999 to 5.6 percent of all faculty in 2004. Similarly, Latinos' numbers grew in the social sciences, going from 2.9 percent in 1999 to 4.2 percent in 2004. However, these few successes mask shortages in other disciplines in which the percentage of African American and Latino faculty actually decreased, such as education for African Americans and engineering for Latinos.

Table 2: Racial and Ethnic Diversity of Full-Time Faculty by Discipline

	American Indian (%)	Asian/Pacific Islander (%)	African American (%)	Latino (%)	White (%)
2004					
All programs	1.2	9.2	5.8	3.4	80.3
Agriculture/home econ	1.0	6.4	2.3	2.5	87.8
Business	1.4	12.2	4.7	2.3	79.5
Education	2.0	4.9	8.0	4.7	80.5
Engineering	0.8	20.1	5.6	2.6	70.9
Fine arts	1.0	3.2	6.5	3.1	86.4
Health sciences	1.5	10.7	5.2	2.9	79.7
Humanities	1.3	5.8	5.5	5.1	82.3
Natural sciences	0.7	14.6	4.3	2.9	77.6
Social sciences	1.3	5.4	8.0	4.2	81.1
All other fields	1.4	4.1	8.0	3.2	83.3
1999					
All programs	0.7	6.4	5.2	3.3	84.5
Agriculture/home econ	0.9	3.8	4.3	1.5	89.6
Business	1.2	5.3	5.3	1.7	86.5
Education	0.8	3.6	8.9	3.4	83.4
Engineering	0.9	16.3	2.2	4.0	76.6
Fine arts	0.6	2.3	6.6	1.1	89.3
Health sciences	0.6	7.1	4.5	3.3	84.5
Humanities	0.4	4.6	4.7	6.5	83.8
Natural sciences	0.3	9.1	3.2	2.9	84.5
Social sciences	1.2	4.9	6.7	2.9	84.3
All other fields	0.9	3.7	6.5	2.5	86.4

Racial Diversity by Faculty Rank

Although Whites are overrepresented in the rank of full professor, Table 3 illustrates that changes are possible. In 2004, African Americans accounted for just 5.8 percent of all faculty, but 7.1 percent of assistant professors. Similarly, though Latinos accounted for only 3.4 percent of the total faculty, they accounted for 4.1 percent of assistant professors. Clearly, percentages are increasing in part due to the hiring of junior faculty. However, comparing the 2004 percentages with the 1999 percentages offers a slightly different story. In 1999, African Americans accounted for 5.2 percent of all faculty, 7.4 percent of all assistant professors, and 5.4 percent of all associate professors. One would expect, then, that five years later the percentage of associate professors would have increased considerably, as the junior faculty earned tenure. Yet, African Americans only accounted for 5.7 percent of all associate professors in 2004, an increase of just 0.3 percent. Translating these percentages into numbers, there were 8,431 African American assistant professors in 1999 and 7,204 African American associate professors in 2004. So, while the percentage of faculty who are African American faculty increased, their actual representation in the labor pool decreased. The trends are similar for Latinos. In contrast, the percentage of Asian American associate professors increased by 66 percent in five years.

The data suggest two possibilities. First, institutions are failing to create climates that are hospitable to African American and Latino faculty. Alternately, successful faculty from both groups may be recruited into other administrative positions on campus. National datasets cannot account for this shift, making it appear that institutions are losing faculty of color. Whether or not universities are managing to keep African Americans and Latinos on campus, the data make one thing clear: The representation of both racial and ethnic groups in the faculty is not growing to the degree it should. Although some may argue that a precise relationship of racial representation in the general population to academe ought not to be a goal, few will argue that too many faculty of color exist in the academy. While the goal of a color-blind society and academy may be admirable, such a goal would be absurd, obviously, if the academy were only populated by White citizens. Sufficient progress toward a goal can be difficult to determine. However, if, for example, a school of engineering had one African American faculty member ten years ago and today claims it has “doubled” the number of faculty of color, few would argue that such progress is sufficient.

From this perspective, the challenge is to see how change has occurred over time and how that change has increased the actual number and percentage of faculty of color in all ranks of the institution.

Table 3: Racial and Ethnic Diversity of Full-Time Faculty, by Rank

	American Indian (%)	Asian/Pacific Islander (%)	African American (%)	Latino (%)	White (%)
2004					
All faculty	1.2	9.2	5.8	3.4	80.3
Full professor	1.0	6.9	3.9	2.5	85.8
Associate professor	1.3	10.0	5.7	2.9	80.1
Assistant professor	1.2	13.0	7.1	4.1	74.6
Instructor/lecturer	1.5	6.3	7.9	4.7	79.7
Other	1.3	9.8	6.4	3.9	78.5
1999					
All faculty	0.7	6.4	5.2	3.3	84.5
Full professor	0.4	4.8	2.9	2.7	89.2
Associate professor	0.6	6.6	5.4	2.7	84.7
Assistant professor	0.8	9.3	7.4	3.5	79.1
Instructor/lecturer	1.1	4.6	5.6	4.9	83.8
Other	0.9	8.3	6.3	4.4	80.1

Examining Institutional Structures and Practices

Though the national data suggest that African American and Latino faculty are underrepresented across institutional types, some universities are doing better than others in recruiting and retaining a diverse faculty. In this section, we compare the policies and practices of 18 institutions with varying success in maintaining a diverse faculty. We begin by providing an overview of the institutions, including the manner in which we selected and analyzed them. We then compare the institutions with regard to the four strategies discussed above; we utilize these strategies as indicators because the institutions have called on them as ways to increase the representation of faculty of color on their campus.

Selecting the Institutions

The United States has over 4,000 postsecondary institutions. Although significant differences exist with regard to issues such as endowment income, disciplinary focus, public control, and the like, the institutions are more similar than different with regard to the underrepresentation of faculty of color. If the challenge of hiring more faculty of color were simply an issue of institutional wealth or public/private control, one might expect one type of institution to have an ample supply of minority faculty and their counterparts to be lacking. However, that is not the case. We focus here on 18 research universities. We have divided the institutions into two categories. Institutions in the first category are members of the Association of American Universities (AAU), an elite, invitation-only organization of 62 research universities. The second group of universities is composed of non-AAU members. All 18 universities fit the Carnegie classification of research-extensive universities. We focus on AAU and non-AAU institutions insofar as institutions in each category have successes and challenges in recruiting and retaining a diverse faculty.

We utilized the Integrated Postsecondary Education Data System (IPEDS) to analyze the percentage of Latino and African American faculty at all of the research-extensive institutions. We eliminated institutions with a special academic focus (e.g., Teachers College at Columbia University) and those geared toward a special population (e.g., Howard University).²¹ We then matched institutions by institutional control (public versus private); location (large city, small city and town); and approximate ranking of various graduate programs, such as engineering, law, and business. All full-time faculty (tenure-line and nontenure-line) are included in the statistics for each campus. Following Tables 4 and 5, we discuss these findings in greater detail.

With a high of 21 percent, Florida International University is significantly more diverse than any of the other institutions. The University of New Mexico is the second most diverse institution with 11 percent of its faculty African American or Latino. Neither institution belongs to the AAU. Indeed, AAU institutions tend to be less diverse than their non-AAU counterparts. Although Columbia, Emory, and Syracuse have faculties in which 10 percent are Latino or African American, the University of Florida and Texas A&M round off the top five with only 9 percent and 7 percent, respectively. Yet, these are the five AAU institutions with the greatest institutional diversity. While the “highs” of the non-AAU institutions are

higher, the “lows” of the AAU institutions are lower. Lows in the AAU category range from 2 percent to 4 percent.

Table 4: Percentage of African American and Latino Faculty at AAU Institutions

Institution	Control	% African American and Latino	Location
Institutions with High Diversity			
Columbia University	Private	10%	New York City
Emory University	Private	10%	Atlanta
Syracuse University	Private	10%	Syracuse, N.Y.
University of Florida	Public	9%	Gainesville, Fla.
Texas A & M	Public	7%	College Station, Texas
Institutions with Low Diversity			
University of Pennsylvania	Private	4%	Philadelphia
Washington University in St. Louis	Private	4%	St. Louis
University of Rochester	Private	2%	Rochester, N.Y.
University of Minnesota-Twin Cities	Public	4%	Minneapolis/St. Paul
University of Virginia	Public	4%	Charlottesville, Va.

Table 5: Percentage of African American and Latino Faculty at Non-AAU Institutions

Institution	Control	% African American and Latino	Location
Institutions with High Diversity			
Florida International University	Public	21%	Miami
University of New Mexico	Public	11%	Albuquerque, N.M.
UC Santa Cruz	Public	10%	Santa Cruz, Calif.
Fordham University	Private	10%	New York City
Institutions with Low Diversity			
Louisiana State University	Public	5%	Baton Rouge, La.
University of Southern Mississippi	Public	5%	Hattiesburg, Miss.
Oregon State University	Public	3%	Corvallis, Ore.
Boston University	Private	4%	Boston
University of Virginia	Public	4%	Charlottesville, Va.

Although these tables show disparities among comparable institutions, we offer them with four caveats. First, there are only a few percentage points separating the majority of the high and low institutions. For example, though we classify Texas A&M as one of the most diverse AAU institutions, it is only three percentage points higher than four of the five less diverse AAU institutions. Clearly, all institutions have much work to do to increase diversity on their campuses. Second, the statistics are not disaggregated by rank. However, if they mirror national data, African Americans and Latinos are primarily concentrated at the assistant professor level with decreasing representation through associate and full professorship. Such a drainage suggests that while institutions may excel at recruiting faculty, they have yet to find a way to retain them.

Third, although some of the institutions have high percentages, one racial or ethnic group may dominate over all others. While the University of New Mexico is the second most diverse institution across both tables at 11 percent, for example, only 2 percent are African American faculty. Similarly, at Florida International University, 14 percent of faculty are Latino while 7 percent are African American. Presumably, this institution draws from Miami's large Latino population to increase its representation of people of color.

However, even those institutions with a high percentage of faculty of color are not always representative of the surrounding area. For example, in Albuquerque, 11 percent of the University of New Mexico's faculty are Latino or African American. Yet, according to the 2000 U.S. Census, 40 percent of the city's residents were Latino. In contrast, although African Americans and Latinos only compose 3 percent of the Oregon State faculty, 7 percent of the residents of Corvallis, Ore., come from these two groups. While we acknowledge that local demographics matter, and can either aid or limit an institution's ability to recruit, the majority of these 18 institutions have implemented a variety of programs in an effort to bolster the numbers of underrepresented faculty on their campuses.

An Overview of Institutional Structures and Practices

After selecting these 18 institutions for comparison, we used a combination of document analysis and interviews with key informants to understand how they try to recruit and retain faculty of color. Interviews focused on policies and practices at each institution, along with perceptions of strengths and weaknesses in recruitment and retention efforts. As we now discuss, we found that the manner

in which the various institutions function parallels the strategies we outlined in the previous section.

Discourse makes a difference (at some institutions). Though less than half of the institutions have an executive-level chief diversity officer, many more incorporate diversity as an institutional goal in their mission statements. Eleven universities (seven AAU institutions and four non-AAU institutions) outline diversity as an explicit goal in their mission statements. Of these eleven, we categorized six as representative of high levels of diversity and five as representative of low levels of diversity. For example, Syracuse University states that the institution's vision is "to be a university whose five core values of quality, caring, diversity, innovation and service are pervasive and evident among all its members"²²

Four institutions have not stopped at incorporating diversity into their mission statements. Rather, they have created explicit diversity statements, which outline their commitment to and plans to incorporate diversity into their communities. Texas A&M offers a plan with six core areas for action, including improving the campus climate, expanding mentoring and retention programs, and developing more partnerships with the community. While mission statements serve as a guide for institutional action, these diversity plans suggest a deeper level of commitment. It should be noted that of the four institutions, three belong to the AAU. In addition, only two of the four institutions are categorized as having high levels of diversity.

The thirteen institutions above are those that incorporated diversity into their mission statements or other explicit action plans. Two institutions' mission statements made no explicit mention of diversity. In addition, we could not find either a mission or a diversity statement for three institutions on their Web sites. Accordingly, we cannot comment on whether these mission statements reflect a commitment to diversity. If a mission statement is to signal an institution's commitment to incorporating people of color into the campus community, one assumes that such information would be readily accessible to the public.

People make a difference (at some institutions). Across institutions, individuals repeatedly spoke of decentralization as a challenge to increasing the diversity of faculty. Many suggested that the fact that their campuses are highly decentralized

slows down efforts to diversify. The colleges and professional schools have a history of shaping their unit's direction without significant interference from central administration. At one institution with a low percentage of faculty of color, there is no central directive from the president's office about the importance of diversity. However, several of the professional schools have been successful in promoting diversity as a core value. Insofar as the efforts are personality-driven and not institutionalized, they may cease to be important once leadership changes. Nevertheless, although some suggested that a decentralized campus might pose greater challenges for institutions, we found that other decentralized campuses are among those with high percentages of faculty of color.

Similarly, some institutions have had a history of vigorous leadership with regard to diversity by their president and others have not. Some institutions, for example, have had presidents who speak of diversity a great deal in their communications to the campus community and others do not. The same point can be made with provosts and deans. Individuals at eight institutions praised their presidents for their support of diversity efforts. Five of these institutions belonged to the AAU. Three institutions had high levels of faculty of color while five did not. However, at some institutions, the president appeared to be working alone; other members of the campus community were described as disinterested in diversity efforts. Although the commitment of leaders is important, successful campuses also have buy-in from faculty. At one of the institutions with high percentages of faculty of color, the push for diversity came not from the administration, but from faculty members who organized efforts to establish an executive-level diversity position. Such a history has paved the way for an array of programs and policies aimed at creating a diverse campus. Though a president may actively promote diversity as a core institutional value, faculty and staff play a critical role in putting that value into action.

Administrative positions make a difference (at some institutions). Seven of the 18 institutions (Columbia, Emory, Texas A&M, University of Rochester, University of Minnesota, University of Virginia, and Louisiana State University) have vice provosts or vice presidents for diversity. Of these seven institutions, six of them belong to the AAU. Only three of these seven institutions have high percentages of faculty of color on campus. While many of the campuses have offices dedicated to affirmative action, two other institutions have special positions dedicated to promoting faculty diversity. Washington University in St. Louis has a special assistant to the chancellor for diversity initiatives, while

Oregon State University has a Director of Community and Diversity, who is a part of the president's cabinet. Out of these nine institutions, only three have more than 7 percent of faculty of color on campus. Although the literature suggests that the presence of a chief diversity officer reflects an institution's commitment to diversity, the findings suggest such an office is not sufficient.

Incentives make a difference (at some institutions). A handful of institutions have created specific incentives aimed at increasing the representation of faculty of color. Eight institutions have mechanisms for orienting faculty search committees. Six of the institutions belong to the AAU and two do not. Five are institutions with high percentages of faculty of color. Given the difficulty that many institutions have in recruiting faculty of color, these institutions have established programs to educate members of search committees on ways to emphasize diversity in the recruitment process. One campus makes two presentations a year to all departments that are scheduled to conduct a faculty search. Another holds a dinner for the search committees of various departments and professional schools. Led by faculty in each unit, topics for discussion include demographics of the campus, nationwide challenges in diversifying higher education, and best practices for a successful search. Although two of the eight institutions do not have individuals on staff charged with educating faculty search committees, they offer periodic trainings run by outside contractors. Such workshops aim to "train the trainers," with the expectation that they will continue the work in the future. (On a related note, these two institutions are two of the three universities that have low levels of diversity.) Another campus recently completed a faculty recruitment toolkit, available online for all members of search committees, which provides similar information on how to emphasize diversity during the recruitment process. As one individual observed, many members of the search committees seem eager to recruit faculty of color on campus, but simply do not know how to go about doing so.

Several institutions have special hiring funds earmarked for increasing faculty diversity. The magnitude of scope for such funding can be significant. For example, one institution recently started a \$15 million campaign over three years to increase the diversity of their faculty. In contrast, another institution with a smaller, though still sizable, endowment is aiming to increase its faculty hiring fund to \$500,000 by 2008.

In addition to the use of special hiring funds, several institutions also offer re-search funds for faculty of color. The practices of one institution are particularly instructive in the ways of creating buy-in from all in the campus community. This institution offers \$25,000 research fellowships to junior faculty. Applications for the award must come from the department chair, who outlines how the indi-vidual is being supported through the tenure process. The institution also holds an awards dinner for all award recipients and invites deans and other leaders on campus. This campus has recognized that creating diversity is a community undertaking and not a series of isolated efforts.

However fruitful these incentives may seem, they are found in institutions with high and low diversity. Some institutions with high diversity have not adopted such policies and other institutions with low diversity have some of these poli-cies. As with the other strategies, then, a plausible conclusion is that no particu-lar strategy is successful. Table 6 offers a summary of the findings.

Table 6: What Makes a Difference

	Diversity in Mission Statement	Diversity Statement	Supportive President	Chief Diversity Officer	Training for Faculty Search Committees
AAU Institutions	7	3	5	6	6
Non-AAU Institutions	4	1	3	1	2
Institutions with High Diversity	6	2	3	3	5
Institutions with Low Diversity	5	2	5	4	3

Discussion

We conclude that no discernable pattern exists to indicate which strategies are most effective in increasing faculty diversity. While AAU institutions were slightly more likely to have an executive-level chief diversity officer, for example, only three of those institutions have a high percentage of faculty of color on campus. Similarly, we found no patterns connecting the inclusion of diversity in an institutional statement with successful recruiting and retaining of a diverse faculty. Offering training to faculty search committees was slightly more likely to

occur at campuses with higher levels of diversity. However, despite this isolated success, the overall findings suggest that structures and strategies do not determine the success of an institution's efforts at diversifying the faculty.

Such an observation is important, since other institutional priorities seem to be effectively implemented through patterns of similar actions. For example, if an institution wants to raise funds or increase its endowment, it is sure to have a development office. Obviously, simply hiring a development officer or creating an office does not ensure success, but the absence of an officer or office surely guarantees failure. Similarly, a college or university that is committed to a particular curriculum—the liberal arts, for example—or to serving a specific constituency—for example, women or African Americans—is sure to mention this distinctiveness in its mission statement. An institution that wants to be especially engaged with the local community will have a president who acts as its public face in the community, whereas a disengaged campus is likely to have a president who does not seek active community outreach. Institutions with sports teams generally have clear policies aimed at regulating athletic conduct; the rigorous enforcement of such policies is likely to be more successful at these institutions than at institutions where such policies are absent or ill-defined.

And yet, this is not the case with regard to increasing faculty diversity. No one strategy will work for all campuses. Even though an institution's participants may assume that a particular effort—the creation of an office, the public pronouncement of its president and the like—is what leads to success, what we have outlined here brings such a conclusion into question. Our assumption is that increasing diversity is more a cultural act that requires interpretative strategies in an institution, rather than an instrumental activity based on linear models of decision-making.

Andrew Masland has noted that “the difficulty in studying culture arises because culture is implicit and we are all embedded in our own cultures.”²³ Those who subscribe to a cultural view see the organizational world as a social construction where participants constantly interpret and re-create organizational reality. From such a vantage point, a single act or policy is likely to fail at reorienting a campus toward increasing diversity. We have previously pointed out that the culture of an organization pertains to an institution's mission, environment, communication, leadership, socialization and strategy.²⁴ Identifying such com-

ponents may be useful for someone who has no sense of what an organization's culture is, but the components should not be used in an instrumental manner. A cultural approach seeks to reorient the entire organization toward a particular goal rather than emphasize one or another singular action in order to reach that goal. An understanding of culture obviously will not magically resolve a problem such as the lack of diversity amongst faculty. However, an interpretative cultural framework for an organization enables individuals to articulate and address ways to improve performance, such as seeking to increase diversity with the understanding that such an outcome will likely take a long time and will necessitate a reorientation of the culture.

Our concern with previous efforts to increase diversity is that, however well-intentioned they are, such efforts are based on the assumption that the organization will undergo a minor shift. From this perspective, those who are new to the organization need to learn about the organization. The organization changes slightly because new personnel arrive, but the underlying ethos, ideology and culture remain the same. A cultural framework works from a different perspective. New individuals change the culture. As a result, an institution's new recruits and its current participants need to change. An effective culture is one where the various components are in sync with one another. Thus, a diversity officer's ideas for change are not the actions of a singular office, but instead are part of a long-term, cohesive strategy that reaches into areas such as the organization's mission statement, how the organization interacts with and interprets its environment, what kinds of statements are communicated about the value of diversity and the like.

Conclusion

Leadership in higher education has been characterized by some as "organized anarchy,"²⁵ based on the assumption that individuals do not really make a difference. They liken the college presidency to a person who must change a light bulb. To be sure, someone needs to change the light bulb, but who changes it is relatively unimportant.

One way to interpret our findings here is to think of increasing faculty diversity as increasing diversity in an organized anarchy. Incentives work in some institutions and not others. College presidents might be important—but then again, they might not. From this perspective, a singular organizational action or

strategy aimed at increasing diversity is not likely to produce assured outcomes in the same way that hiring an effective vice president for development will improve the chances for a successful capital campaign.

This is not how we have interpreted the data, however. Rather than saying that no one person is important, we suggest that, as a cultural issue, all people are important at a campus where diversity is an institutional goal. The key is not to obsess over whether the institution needs to be more or less decentralized, for example, but instead to consider how to foment a concern for diversity within the organization's culture. In this view, a successful campus is one that utilizes each of the elements we highlighted earlier—discourse, people, administrative positions and incentives—to change the culture of the organization over a sustained period of time. No two institutions will experience the same results from an identical set of strategies. Rather, an institution's history, culture, and community will shape the success of diversity efforts. Unlike a capital campaign that has a start and conclusion, increasing diversity is a generational undertaking that will outlast several presidents. A sustained effort at diversifying the faculty cannot be the work of a handful of individuals or campus offices.

An organization's culture is about the symbols, communicative acts, and interpretive events that actors employ to understand and function at the institution. No "silver bullet" exists such that a single speech by a campus official transforms the culture. Diversifying the faculty needs to be thought of for what it is—transforming the culture of the organization. Accordingly, a comprehensive approach needs to be developed with clear benchmarks and goals that enable the campus community to move forward on a value that is incorporated into the fabric of the institution. Thus, rather than a cookbook approach with a set list of "ingredients," we are suggesting that ultimately individuals are better served by thinking of their organizations as cultures in need of reframing core beliefs and values.

ENDNOTES

¹ Lance A. Selfa et al., *1992-93 National Study of Postsecondary Faculty* (Washington, DC: National Center for Education Statistics, 1997); Emily Forrest Cataldi, Mansour Fahimi, and Ellen M. Bradburn, *2004 National Study of Postsecondary Faculty (NSOPF:04) Report on Faculty and Instructional Staff in Fall 2003* (Washington, DC: National Center for Education Statistics, 2005).

² Although federal data sets refer to these two groups as Black and Hispanic, respectively, we use African American and Latino because these are the terms preferred by most members of each group.

³ Ellen E. Chaffee and William G. Tierney, *Collegiate Culture and Leadership Strategies* (New York: American Council on Education/Macmillan Publishing Company, 1988).

⁴ Marjorie F. Knowles and Bernard W. Harleston, *Achieving Diversity in the Professoriate: Challenges and Opportunities* (Washington, DC: American Council on Education, 1997); Rhonda Phillips, "Recruiting and Retaining a Diverse Faculty," *Planning for Higher Education* 30, no. 4 (2002): 32-39; Caroline S. V. Turner, Samuel L. Myers, Jr., and John W. Creswell, "Exploring Underrepresentation: The Case of Faculty of Color in the Midwest," *Journal of Higher Education* 70, no. 1 (1999): 27-59.

⁵ Cathy A. Trower and Richard P. Chait, "Faculty Diversity: Too Little for Too Long," *Harvard Magazine* 104, no. 4 (2002): 33-37 & 98; Turner, Myers, and Creswell, "Exploring Underrepresentation."

⁶ Knowles and Harleston, *Achieving Diversity*.

⁷ Ibid.

⁸ Phillips, "Recruiting and Retaining."

⁹ Trower and Chait, "Faculty Diversity"; Turner, Myers, and Creswell, "Exploring Underrepresentation."

¹⁰ Christine A. Stanley, ed., *Faculty of Color: Teaching in Predominantly White Colleges and Universities* (Boston: Anker Publishing Company, 2006); Caroline S. Turner, "Incorporation and Marginalization in the Academy: From Border Toward Center for Faculty of Color?" *Journal of Black Studies* 34, no. 1 (2003): 112-125.

¹¹ Turner, Myers, and Creswell, "Exploring Underrepresentation."

¹² Center for Higher Education Policy Analysis, *The Road Ahead: Improving Diversity in Graduate Education* (Los Angeles: CHEPA, 2004); Alma R. Clayton-Pedersen et al., *Making a Real Difference with Diversity: A Guide to Institutional Change* (Washington, DC: Association of American Colleges and Universities, 2007).

¹³ Clayton-Pedersen et al., *Making a Real Difference*; Laurel R. Davis, "Racial Diversity in Higher Education: Ingredients for Success and Failure," *Journal of Applied Behavioral Science* 38, no. 2 (2002): 137-155; Patricia B. Hyer, "Affirmative Action for Women Faculty: Case Studies of Three Successful Institutions," *Journal of Higher Education* 56, no. 3 (1985): 282-299; Trower and Chait, "Faculty Diversity"; Damon A. Williams, Joseph B. Berger, and Shederick A. McClendon, *Toward a Model of Inclusive Excellence and Change in Postsecondary Institutions*, (Washington, DC: Association of American Colleges and Universities, 2005).

¹⁴ Berta Vigil Laden and Linda Serra Hagedorn, "Job Satisfaction Among Faculty of Color in Academe: Individual Survivors or Institutional Transformers?" *New Directions for Institutional Research* 105 (2000): 57-66; Turner, "Incorporation and Marginalization."

¹⁵ Nancy Barceló, "Transforming Our Institutions for the Twenty-First Century: The Role of the Chief Diversity Officer," *Diversity Digest* 10, no. 2 (2007); Damon A. Williams and Katrina C. Wade-Golden, "What Is a Chief Diversity Officer?" *Inside Higher Ed*, April 18, 2006.

¹⁶ Knowles and Harleston, *Achieving Diversity*; Phillips, "Recruiting and Retaining"; Turner, Myers, and Creswell, "Exploring Underrepresentation."

¹⁷ Daryl G. Smith et al., "Interrupting the Usual: Successful Strategies for Hiring Diverse Faculty," *The Journal of Higher Education* 75 no. 2 (2004): 133-160.

¹⁸ Phillips, "Recruiting and Retaining."

¹⁹ Center for Higher Education Policy Analysis, *The Road Ahead*; Jose F. Moreno et al., *The Revolving Door for Underrepresented Minority Faculty in Higher Education: An Analysis from the Campus Diversity Initiative*. A research brief from The James Irvine Foundation. (San Francisco: Claremont Graduate University; Washington, DC: Association of American Colleges and Universities, 2006).

²⁰ In this discussion, we do not distinguish between citizens and noncitizens. African Americans include international faculty from Africa and the Caribbean, and Latinos include those from Central and South America. While each of the above groups is slightly affected by the inclusion of international faculty, the category of Asian American is affected the most. International faculty from Asia compose a large percentage of those included within the Asian American category. For example, although 9.2 percent of all faculty are of Asian descent, only 6.5 percent of all faculty are of Asian descent and U.S. citizens. While Asian Americans are not the focus of our paper, we want to highlight the fact that this racial group may not be as making as great gains as the data would suggest. Although institutions may be increasing the number of faculty of color on their campus, they may be drawing from outside the United States to do so.

²¹ We elected not to focus on either discipline-specific institutions or historically black institutions as they draw a particular type of student and faculty member. Howard's historical mission has focused on African American students only. Other institutions included in our study, such as the University of New Mexico and Florida International University, are now classified as Hispanic Serving Institutions. However, such a designation was earned because of the demographics of the students who are enrolled.

²² Syracuse University, "Syracuse University Mission and Vision," Syracuse University, <http://www.syr.edu/aboutsu/mission.html> (accessed July 20, 2007).

²³ Andrew Masland, "Organizational Culture in the Study of Higher Education," *Review of Higher Education* 8 (1985): 160.

²⁴ William G. Tierney, "Organizational Culture in Higher Education: Defining the Essentials," *The Journal of Higher Education* 59, no. 1 (1988): 2-21.

²⁵ Michael D. Cohen and James G. March, *Leadership and Ambiguity: The American College President* (New York: McGraw-Hill Book Company, 1974).

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Building Academic Excellence through Gender Equity

JOAN C. WILLIAMS AND DONNA L. NORTON

Melanie was on the fast track—a Ph.D. in biochemistry and molecular biology, and a postdoc at the National Institute of Health. Then she had children.

For a while, I tried to work with my first child, but with my commute, I only was able to spend about an hour a day with her. And after paying for childcare, I was barely making any money. I watched the hours that my advisor spent at work and knew I couldn't put in those kinds of hours because childrearing was largely up to me. I decided that I had to quit my job. Now I've been home for 5 years and have three children. I'm frustrated because I put in all those years and money into getting a Ph.D. and doing a post-doc—for nothing.¹

Melanie's story is not uncommon. Though women have fully embraced the challenge of higher education and now receive about half of the Ph.D.s awarded to U.S. citizens, many of these women have brief careers in the academy. In 1920, women comprised only 26 percent of full-time faculty. Today, a full 75 years later, this percentage had grown to only 31 percent.² At this rate, it will take only 173 years to reach parity. Mary Ann Mason, in her 2007 book, *Mothers on the Fast Track*, reports that at UC Berkeley women received 46 percent of last spring's doctorates but constituted only 26 percent of the new faculty hires.³ The low percentage of tenured women is not due to a deficit of women in the pipeline. Rather, the problem is that women are leaking out of the pipeline.⁴

This article documents first how “churn and burn” practices in academia squander increasingly scarce resources, and outlines emerging best practices to prevent those losses. Given current demographic trends, colleges and universi-

ties cannot afford to sideline half the talent pool if they want to maintain their standards of excellence during the upcoming changing of the guard in academe. Currently, 50.5 percent of tenured faculty members are at least 55 years old.⁵ This means that about half of the current tenured faculty will be headed toward retirement in the next 10 to 15 years. This will create a strong demand for new faculty, providing a historic opportunity to address the underrepresentation of women in the academy.

Promoting Gender Equity Can Conserve Resources

As any higher education administrator knows, the need to increase resources has emerged as a major challenge for colleges and universities. In the 30 years between 1970 and 2000, the weighted average of institutional expenditures on research per faculty more than tripled.⁶ At the same time, state support for higher education has been declining. In FY 2002 and FY 2003, California's education funding shrank by 9.6 percent. During the same period, Colorado's funding was cut by 21.8 percent and Massachusetts' by 23 percent.⁷ Despite the recent economic gains of the past few years, all states face potential deficits that will limit the funding of higher education through at least the year 2013.⁸ In light of this stark fiscal reality, colleges and universities must take proactive efforts to retain women faculty in order to stay on top and gain the competitive edge.

The High Costs of Attrition

A 2002 survey of over 200 public and private research universities found that the average start-up costs for assistant professors at private Research I universities in physics/astronomy, biology, chemistry, and engineering ranged between \$390,237 and \$489,000. For senior faculty members, the average start-up costs varied from about \$700,000 in physics to about \$1,442,000 in engineering.⁹ Even a start-up package for an assistant professor of psychology at a public university averages \$47,000.¹⁰

The loss of faculty also can create a substantial secondary cost in lost research grant support. Ronda Roberts Callister, an associate professor at the Department of Management and Human Resources at Utah State University, reports that "it can take ten years for a new faculty member in science or engineering to develop enough of a positive revenue stream from grants to recoup start-up costs. If a faculty member leaves before start-up costs are recovered, the university loses money. [And] must start over again."¹¹

Time Lost by Search Committee Members

Any senior faculty member can tally up the many hours of productive research they have lost because of the need to recruit, interview, and mentor new faculty. One dean estimated that, over the life of a search, she spends a full two weeks of her time on reviewing applications, leading search meetings, hosting candidates, and talking with them prior to and after the visit. She also estimated that the average search committee member at her institution spends 25 to 40 hours reviewing applications, attending search meetings, and meeting with candidates.¹² Given that there are often multiple searches being conducted in departments, these searches represent an enormous drain on faculty time.

A Limited Talent Pool

Another academic added that many of the costs associated with loss of faculty are hard to quantify:

Last year we lost 4 female faculty members, ... 1 in history, 2 in Engineering and 1 in Physics. All were excellent performers. Given the fact that women in engineering and physics are especially hard to come by, it was a blow. ... I am equally as concerned about the costs we may not be able to estimate. For instance, how many female students lost their role models/mentors when these [female] faculty left? How many potential students chose not to come to my University because we had no female faculty in their disciplines? I don't know how to estimate those costs.¹³

Indeed, the costs of failing to recruit the best faculty are difficult to quantify. But it is clear that without programs and policies to retain women faculty, colleges and universities will fail to achieve their highest potential. As Chancellor Blumenthal at the University of California, Santa Cruz, emphasized, "It is essential to put in place programs to retain women in order to achieve a diverse faculty. If you don't have a department that appeals to women, you will limit your talent pool and may end up with a lesser candidate."¹⁴ Together, the quantifiable and nonquantifiable costs of turnover are too great to ignore.

Failing to Retain Women Is a Risk-Management Issue

Employment discrimination claims are more common than sexual harassment claims in academia. In a survey of 500 colleges and universities, researchers

found that the single greatest and fastest-growing cause of employment claims was employment discrimination—equal to 51 percent of all claims in 1997. This was five times greater than the number of wrongful termination claims and six times greater than the number of sexual harassment claims.¹⁵

A sobering fact is that employment discrimination also can impose large costs on employers. In 1997, the average costs to settle the 73 percent of employment discrimination claims that did not go to court was \$110,000 per claim for public institutions and \$175,000 per claim for private institutions.¹⁶ The costs of settlement are only one cost associated with discrimination suits. Negative media may affect the institution's ability to recruit faculty, students, and donors. Also, members of the faculty may spend large amounts of time in litigation, taking away time from research and teaching.¹⁷

Promising Practices to Promote Gender Equity

The costs of doing nothing to counter the bias and barriers faced by women in academia are too high to ignore. Though this article focuses primarily on discrimination as it relates to family practices and gender bias, we cannot overlook the other forms of discrimination women may experience in academe. Discrimination still occurs around the issues of race, ethnicity, tenure, and discipline for many women and must be addressed. Fortunately, many institutions of higher learning have begun to develop promising practices to recruit, retain, and advance women faculty. The following discussion outlines some the key promising practices that must be part of any institution's efforts to promote gender equity.

Treat Pregnancy Leave the Same as Other Kinds of Disability Leave

If an employer offers disability leave for any purpose, it also must offer disability leave for maternity. Maternity leave is generally six weeks of leave, based on the American College of Obstetricians' guideline for medical recovery from a normal delivery.¹⁸ One common mistake is to provide pregnancy disability leave on terms less generous than for other kinds of medical leave.¹⁹ In a recent survey of 100 U.S. colleges' and universities' maternity and childrearing leave policies for faculty, over one-third of the respondents had policies that either did not comply with state and federal laws or were highly likely not to comply in their implementation.²⁰ For example, in one law school, female faculty were forced to choose between getting course release or getting paid disability leave

for delivery. It is illegal under the Pregnancy Discrimination Act to condition a leave upon giving up some other benefit. Similarly, under the Family and Medical Leave Act, it is illegal to discourage or penalize someone for taking leave to which they are entitled.

Design Parental Leave Policies Based on Gender Roles, Not Biological Sex

Parental leave needs to be available to both mothers and fathers. The key is to link the leave with the relevant activity—being a caregiver—instead of linking it to biological sex. That means that anyone who is a primary caregiver should be entitled to parental leave. One type of paid parental leave is “active service/modified duties,” or reduced teaching policies. Under this policy, faculty members are provided with full or partial relief from teaching with no pay cut. This is important because not all new parents want to stop the clock, but most do want relief from teaching.²¹ “I believe reducing the workload is much more promising than stopping the clock,” said Robert Drago, professor of labor and women’s studies at Pennsylvania State University. “I’ve never seen anyone turned down for tenure because they’ve done less teaching. But less research will get you turned down every time.”²²

One frequent complaint about these policies is that they do not link leave with caregiving responsibilities, but rather make parental leave available to anyone who has had a child, regardless of whether the parent is engaged in caregiving. “One of my male colleagues whose wife gave birth on a Tuesday was back in the office at 8 a.m. on Wednesday. He took full advantage of the reduced teaching and stop the clock policy at my university while continuing his regular work schedule. He’s now tenured and I’m not,” said a former assistant professor at an Ivy League university and a mother of two.²³

While some men are actively engaged in family care, and should be eligible for parental leave when they are, women often still do more than their fair share. A 1991 study by Biernat and Wortman questioned women who primarily work in academia and corporations. They found that the women carried out more of all the child care tasks than their spouses, except for playing with the children.²⁴ A survey by the UC Berkeley Family Friendly Edge found that women faculty ages 30 to 50 with children report spending over 15 hours a week more on caregiving activities than their male colleagues with children.²⁵ Given these gender

inequities, stop-the-clock and modified duties policies that do not require faculty to certify that they are providing at least 20 hours a week of child care during normal working hours can further disadvantage women.

Stanford University is one example of a research institution that has adopted a Reduced Teaching and Clinical Duties policy that allows faculty to remain on full salary with reduced teaching duties. To avoid abuse of the policy, faculty are only eligible if they are the sole caregiver for at least 20 hours during the work-week between 8 a.m. and 7 p.m., Monday through Friday.²⁶ Similarly, Harvard Law School has adopted a policy that provides paid leave to any faculty member who is “the sole caretaker of his or her newborn or newly adopted child at least 20 hours per week, from Monday through Friday, between the hours of 9 a.m. and 5 p.m. The applicant for the leave must assert that he or she will be the “sole caregiver” for the requisite period.²⁷ This kind of policy is not based on biological sex, but rather on gender—namely on the traditionally feminine gender role of being a caregiver. Under this policy, both mothers and fathers can bond with their newborn or newly adopted child.

Preventing Discrimination against Caregivers

“I was [told] by my department chair, as untenured faculty, actually using the stopped tenure clock or leave would be held against me. I was back teaching a day after getting out of the hospital.”—Female faculty member²⁸

Stop-the-clock policies are another common way that colleges and universities help professors manage work and family conflicts. In theory, these policies allow assistant professors to “stop the tenure clock” to care for a newborn or young child without having to worry that it will undermine their tenure reviews. However, in reality, these policies tend to be underutilized because many faculty fear the consequences of actually using the policies. Almost all these policies require that the faculty member proactively make a request to stop the clock. A 2002 national survey of over 4,000 faculty members revealed that 33 percent of faculty who were parents—mothers and fathers—did not ask for parental leave, and just less than 20 percent did not ask to stop the tenure clock, even though they thought they would have benefited from doing so.²⁹

Unfortunately, this fear is not unfounded. Family responsibilities discrimination occurs most commonly when women hit the “maternal wall,” a term that refers

to biases that penalize women for being mothers. These biases in academe usually are triggered when a woman becomes pregnant or seeks a maternity leave.³⁰ For example, Lisa Arkin, the plaintiff in a discrimination lawsuit against her university, was an assistant professor at the University of Oregon who took maternity leave and delayed her tenure review according to university policies. Despite unanimous recommendation from her tenure committee and endorsement from the dean, she was refused tenure upon her return. The provost of the University of Oregon allegedly told another professor that the mother's decision to "stop the clock" was a "red flag," and the department chair wrote in a memo that Arkin "knew as the mother of two infants, she had responsibilities that were incompatible with those of a full-time academician."³¹ Arkin's suit resulted in a reported tentative settlement of \$495,000.³²

When stop-the-clock and other policies such as family leave rely on faculty to "opt in" to the policies rather than opt out of them, it leaves mothers and fathers in the uncomfortable position of negotiating with chairs about eligibility to utilize the policies. One faculty member at the University of Washington recounted her experience of requesting to use a family accommodation policy: "I felt like it was sort of a negotiation discussion the whole time, it wasn't automatic." Another faculty member said that she felt she had to accept a lower start-up package in exchange for using the part-time tenure option. "That, I just decided, was part of the price of what I was paying."³³

One way to lessen the stigma of stop-the-clock policies is to make them trigger automatically, so faculty have to opt out of them if they do not want to stop the tenure clock when an eligible event, like having a child, occurs. At MIT, women who give birth are automatically granted a tenure-clock extension. The policy states:

In recognition of the effects that pregnancy and childbirth can have on a woman's ability to perform all the tasks necessary and expected to achieve tenure, a woman who bears one or more children during her tenure probationary period will have that period extended by one year. As in all tenure cases, a tenure review can take place prior to the end of the probationary period and that possibility should be assessed annually.³⁴

Thus, the MIT policy allows for flexibility if the qualifying employee does not want to extend the tenure clock. Similarly, Vanderbilt University has a comprehensive parental leave policy that provides for an automatic one-year extension of the tenure clock when a faculty member gives birth or adopts a child.³⁵

Clearly Communicate Policies to Internal and External Reviewers

Unfortunately, there are many stories of people who have stopped the tenure clock, only to encounter outside reviewers who ignore this fact. This does not just undermine the stop-the-clock program; it also is unwise from a legal perspective because it misleads the job candidate. One faculty member reports, “I was told by my department chair, as untenured faculty, actually using the stopped tenure clock or leave would be held against me.”³⁶ Another academic reports, “All the maternity benefits were lumped under the same heading by the chair as ‘unfair advantage.’ I saw two other women with young children get punished on reviews for not getting enough published even though they ‘had time off and had more time to write.’ I wasn’t going to risk it.”³⁷

Because uninformed departmental chairs can undermine even the best policies, department heads need to be trained how to implement policies, including how to clearly communicate to outside reviewers that failure to use the proper standards could lead to legal problems for the college or university.³⁸ Inside and outside reviewers should be informed that, when a candidate has stopped the clock, the appropriate evaluation of the candidate should not be based on years from the Ph.D., but instead should tally only the countable time. To protect against discrimination, some universities have adopted statements against discrimination. For example, The University of California’s Policy on Family Accommodation and Personnel Reviews provides that:

Academic appointees shall not be arbitrarily disadvantaged in their promotion, advancement or compensation because they have elected to take a childbearing or parental leave, to stop the clock, or to defer a personnel review. Personnel reviews that are deferred due to a family accommodation should be treated procedurally in the same manner as personnel reviews conducted at the usual intervals. The file shall be evaluated without prejudice at the usual intervals. The file shall be evaluated without prejudice as if the work were done in the normal

period of service and so stated in the department chair's or unit head's letter.³⁹

Stop-the-clock and fairly conceived and implemented family-leave policies can help prevent gender discrimination in academia. However, to make these policies fully effective, colleges and universities also must work to eliminate the unexamined gender biases that are triggered when women become pregnant or go on maternity leave.

Training for All Departmental Chairs on Gender Bias

"I really felt by having a child I gave up a lot of respect I had worked very hard to earn."—Female professor, 2001⁴⁰

Unexamined gender biases can affect the behavior of even well-meaning faculty and administrators, and can penalize women in general, as well as mothers and others with caregiving responsibilities.⁴¹ The first type of bias is the familiar "glass ceiling" bias that prevents successful women from reaching the top rungs of their professions. Glass-ceiling biases follow two distinct patterns. The first pattern is called leniency bias—when men, but not women, are given the "benefit of the doubt."⁴² While men are assumed to be competent as a group, women's performance tends to be more closely scrutinized. In a national study, 238 academic psychologists evaluated a resume with a randomly assigned male or female name. Both male and female participants gave the male applicant better evaluations for teaching, research, and service experience and both were more likely to hire the male applicant.⁴³ Similarly, a study conducted by the Swedish Medical Research Council of ratings of postdoctoral fellowship candidates found that female candidates had to be 2.5 times more productive than male candidates to receive the same competence ratings from reviewers.⁴⁴

The second type of glass-ceiling bias occurs when women are perceived as competent, but are seen as lacking interpersonal skills when they fail to behave in conventionally feminine ways. While assertiveness in men often is seen as evidence of brilliance, similar behavior in women is viewed as aggressive or distasteful.⁴⁵ For example, one recent study showed that women in male-dominated jobs who were regarded as successful were less liked than equivalently successful men. The study also showed that this discrepancy led to differences in performance evaluation and reward allocation.⁴⁶ The result of these two glass-ceiling patterns is

that successful women can find themselves in a Catch-22.⁴⁷ They either have their competence questioned or are branded as having personality problems.

In addition to the glass-ceiling bias, women who have children often experience “maternal wall” bias. One recent study found that mothers are held to higher performance standards than are other adults. When it comes to promotion, awards, or raises, “[w]omen who give evidence of being a mother [are] held to harsher standards and suffer decreased workplace evaluations” when compared with women without children and men with children.⁴⁸ “I am constantly struggling against a perception that I’m not doing enough,” says a University of California at Davis professor, “But I’m madly juggling in a way a lot of men can’t even imagine.”⁴⁹ A 2007 Cornell University study found that, when presented with two identical job applicant resumes (one for a woman without children and the other for a woman with children), the mother was 79 percent less likely to be hired than the woman without children.⁵⁰

Common bias avoidance behavior is to defer having children or to hide the fact that you have them. One student reports, “We were told when we were getting ready to go on the job market, you can’t be pregnant. You just can’t.”⁵¹ “Such discrimination can also explain why even very progressive work/family policies might be unsuccessful,” reports a Pennsylvania State University study. “Those who utilize the policies may be viewed as uncommitted and, at worst, experience the ultimate failure for an academic in the denial of tenure.” Between 1992 and 1999, more than 500 faculty members at Penn State became new parents. Only seven parental leaves were reported, none by men.⁵²

To make family-friendly policies effective, it is essential that chairs be trained to recognize unexamined gender bias and act to prevent it. The University of Michigan STRIDE program has created innovative programs to educate key faculty about the impact of unexamined bias. STRIDE has recruited full professors at the University of Michigan to participate in an ongoing committee that provides advice on strategies to recruit a diverse and well-qualified faculty. Each member studies a recommended reading list and attends three half-days of training on diversity issues.⁵³ The committee leads workshops for departments, search committees, and other groups where they educate their peers about unexamined gender and other bias.⁵⁴ The STRIDE program has been particularly effective because the committee members are so well-respected in their fields

and training is provided only upon request. These efforts to raise awareness of gender bias are essential and have contributed to the STRIDE program's success in increasing the percentage of female hires in science and engineering from 14 percent to 34 percent in a period of four years.⁵⁵ Other groups, including the Center for WorkLife Law, also have developed trainings on gender bias.

Part-Time Tenure Track

The model of traditional tenure-track jobs grows out of a norm of an ideal worker—someone who works full time and overtime, and takes little or no time off for childbearing and childrearing.⁵⁶ In fact, the years when most women are striving for tenure are the years when women are most fertile. It no longer is a viable strategy for women to wait until they have tenure to start a family. While this might have been possible in 1985, when the mean age at which people achieved tenure was 36, this mean age had grown to 39 by 1999, making waiting to achieve tenure a very risky strategy.⁵⁷ And in fact, only one in three women in fast-track university jobs ever become mothers.⁵⁸ This would not be an issue if these women were happily child-free, but in fact, 40 percent of faculty women past the age of likely fertility said that they had fewer children than they wanted.

The rigidity of the tenure clock keeps mothers from succeeding in academia and dissuades many women from even initiating a career in academia. Married women, both with and without children, are leaving academia at disproportionately high rates at every stage of the academic career.⁵⁹ In a survey of postdoctoral fellows at the University of California at Berkeley in 2000, a full 59 percent of married women with children indicated that they were considering leaving academia.⁶⁰ The University of Colorado at Boulder found in its 2001 Task Force Report on Faculty Recruitment and Retention that women represented 48 percent of the departing faculty for the previous five years, but only 25 percent of the total faculty in 1998-99.⁶¹ It is an important reality that jobs that require extensive overtime exclude virtually all mothers (93 percent).⁶²

Women who stay in academia tend to be clustered in the lower-pay, lower-prestige ranks of academia. Women are twice as likely as men to be in nontenure-track positions⁶³ What is needed is not a “mommy track” of low-paying, nontenured jobs, but a restructuring of academic jobs to reflect the legitimate claims of family life. A part-time tenure track can create a viable pathway to success for men and women with significant caregiving responsibilities.

In "A Half-Time Tenure Track Proposal," Robert Drago and Joan C. Williams outlined a new model for faculty employment. Under this model, any tenure-track faculty members with caregiving responsibilities for children, or for elderly or ill family members or partners, could request that he or she be placed on half-time status for a period from one to 12 years.⁶⁴ Workload, including research, teaching, advising, and committee work, also would reduce by one-half. Salary and benefits reduce proportionally and the tenure clock runs at half-speed as well. To ensure that the half-time policy is not used to gain extra time on the tenure clock, faculty members must document that the requested leave is necessary for caregiving purposes. Abuses of the policy are more likely to occur under current parental leave policies that provide full pay for less work. The half-time tenure option requires sacrificing half of one's pay and benefit, a loss that most faculty are able to manage for only relatively short periods of time.⁶⁵

This half-time tenure-track policy already has been implemented at a number of research institutions. In 1998, the University of Washington developed a part-time faculty policy containing many of the provisions of the Drago-Williams model.⁶⁶ The University of Washington has two policy options for tenure-track faculty who want to work part time: 1) a permanent part-time tenure track, and 2) a temporary part-time option, using partial leave and tenure-clock extension. The University of California, Berkeley, also has instituted a part-time tenure track and found in a survey of UC faculty that even the majority of men supported this option, especially if it could be taken at any time during a career.⁶⁷

Training for All Chairs in Managing with Flexibility

"I was extremely ill during my 2nd trimester, requested leave, then the chair yelled at my ears for ½ hour and asked me to find replacement teachers for my classes. I was tenured. If not, I'd have gone back to work and lost my baby."—Female professor, 2007⁶⁸

While department chairs have critical roles in hiring, evaluating, and retaining faculty, they traditionally have had minimal training in management and often know little about important university policies like family leave. Absent training, they can undermine family-friendly policies if they manage "by overload." There is no better way to create a backlash against a faculty member who is using family leave or reduced teaching duties than to ask his or her colleagues to cover extra teaching responsibilities with no compensation. An untrained

chair may unknowingly violate the Family and Medical Leave Act by conditioning leave on a faculty member finding his or her own teaching replacement. It is essential to train all chairs on how to implement family-friendly policies and manage with flexibility.

The UC Berkeley Family Friendly Edge also conducts a “School for Chairs.”

These university leaders are taught how to discount resume gaps attributable to parenthood, mentor new parents through the tenure process, find a second job for dual-career couples, create a more family-friendly climate through small changes such as ending faculty meetings by 5 p.m., and ensure that stopping the clock or taking family leave is not counted against candidates. These policies and practices have helped UC Berkeley to increase its hiring rates for new women faculty from 26 percent to nearly 40 percent in the last few years.⁶⁹

At the University of Washington, the ADVANCE Center for Institutional Change (CIC) has instituted quarterly half-day leadership workshops for chairs and emerging leaders. These workshops are a chance to discuss best practices and strategies to advance women and underrepresented minorities in science, engineering, and mathematics.⁷⁰ Past topics include family leave and tenure-clock extensions, dual career hires, and building job offers. The CIC has found that holding regular gatherings, using case studies, and asking faculty members to lead the discussion have been critical to their workshops’ success.⁷¹

Providing Cafeteria-Style Benefits

Another key way to control backlash against family-friendly policies is to provide cafeteria-style benefits. Benefit managers must recognize that employees will have a range of caregiving responsibilities—some faculty will need assistance with child care and others with elder care. One inevitable outcome, when a work environment is inhospitable to faculty with caregiving responsibilities, is that many faculty choose not to have children at all. These academics without children may feel that their own struggles with balancing their work life are being ignored, if the emphasis of new benefit policies solely addresses the needs of faculty with children. For example, a tuition benefit for children of faculty may seem—to those faculty without children—like unfair allocation of benefits. To minimize backlash, benefits administrators should provide cafeteria-style benefits so that each employee can choose which benefits they want to purchase with their allocated benefit dollars. At the University of Delaware, for example, employees are allowed to choose from a cafeteria-style benefit program to suit their personal circumstances.⁷² Flexible

benefits programs also can help ease the financial challenges of having dual careers in academia. In a dual career couple, each spouse could purchase complementary benefits to maximize their benefit dollars.

Fostering Dual Careers with Central Financing

While both men and women in academia struggle to find work in the same geographic area as their partners, this challenge disproportionately affects the careers of women academics. A full 68 percent of female physicists are married to other scientists, as compared with only 17 percent of male physicists.⁷³ Similarly, 80 percent of female mathematicians are married to men in their own fields.⁷⁴ One study of dual career accommodation cases at a major university showed that 70 percent of the primary hires were male.⁷⁵ The “trailing spouse” often ends up with a much less desirable position than the primary hires. One such spouse lamented about her offer:

My husband’s department had resources enough—and students enough—to offer me a “part-time” teaching job. The tiny salary made me wince, but with the ink still wet on my diploma, it didn’t occur to me to negotiate. Never mind that I hadn’t yet tested my Ph.D. on the job market. Never mind that I’d held better and more lucrative teaching posts as a graduate student. My partner and I felt lucky. Unlike so many other academic couples, we would have the privilege of living in the same city.⁷⁶

Moreover, women with children who are unhappy with their positions have less latitude to move their families in order to land a better job. A survey of University of California faculty revealed that 53 percent of married women with children, compared with 24 percent of married men with children, agreed that “I have been unable to consider job offers outside of my current geographical location because of family reasons.”⁷⁷

If colleges and universities want to advance women, they must put in place a dual career program that is centrally funded and provides real opportunities for accompanying spouses. To facilitate dual careers, Purdue University introduced the Bridge Program in 1992 to assist couples who both want to be on the faculty. This program is run by the executive vice president for academic affairs and can

provide funding if a department cannot fund a full-time position for one of the spouses. The program also assists accompanying spouses who are not academics with contacts in the surrounding job market and help with relocation issues.⁷⁸

Re-entry Programs for Academics

One way to undo the damage caused by the lack of institutional support for families in academia is to create re-entry programs for the men and women who have left academia because of their caregiving responsibilities. Right now, many talented researchers—like Melanie, whose story is described at the beginning of this article—feel as if there is no way for them to re-enter the promising career path they left. Colleges and universities must create re-entry programs to realize their investments in the many academic mothers who already have been fully trained, and who are languishing in the second tier of academia or are out of the workforce because of the lack of family-friendly policies.

The private sector already has started to realize that it is in their bottom-line interests to create these kinds of re-entry programs. For example, in 2005, Lehman Brothers launched its Encore Program in New York City. This program is designed to foster networking and professional development opportunities for women who formerly worked in finance and are interested in re-entering.⁷⁹ “We recruit at undergraduate schools, grad schools, and competitors, but in terms of achieving diversity goals, there’s just not enough talent there. If you want more women applying, you have to look at the at-home pool.”⁸⁰ Academia can learn from the bottom-line interests of business to increase the talent pool of women.

Indeed, academia is beginning to become aware of this untapped talent pool. For example, the National Institute of Health sponsors re-entry grants for scientific research, which target women who have been away from research for at least two years, but no more than eight years.⁸¹ However, these kinds of programs are few and far between. To bridge this gap, colleges and universities also can help assist candidates seeking to re-enter academia by encouraging faculty hiring committees to discount resume gaps due to caregiving responsibilities.⁸² And federal and other research funders can mitigate the impact of caregiving responsibilities on academic careers by restructuring research grants to include family accommodation policies, including discounting resume gaps due to caregiving responsibilities. One University of California academic commented, “If you depend on grants for your research, at least in the biomedical fields, it

seems that irrespective of UC's [family accommodation] policies, it would be hard to come back once one takes time off for kids. Gaps in productivity are hard to overcome when one depends on grants."⁸³ Moreover, most federal grants do not specifically address family policies. Canadian agencies, in contrast, provide Principal Investigators with grant extensions of up to two years to support parent, medical, or "care and nurturing" leave.⁸⁴ Federal agencies and private foundations that fund research must ensure that their policies help caregivers successfully complete their research and maintain their competitiveness.

If we are to achieve excellence in academia, we must find ways to realize the potential of the female half of our talent pool. Despite the gains of the women's movement, the fact of the matter is that women still shoulder the lion's share of caregiving responsibilities. We must restructure the academic workplace to recognize the legitimate claims of family life, so both men and women can realize both their professional and their personal goals. Only then will we be able to harness the full intellectual potential of academia. Fortunately, many institutions have started to develop promising practices to recruit, retain, and advance women. Increasingly, leaders of academia are realizing that adopting these practices is not only the right thing to do, but also the course of action most likely to produce the best return on limited resources.

ENDNOTES

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